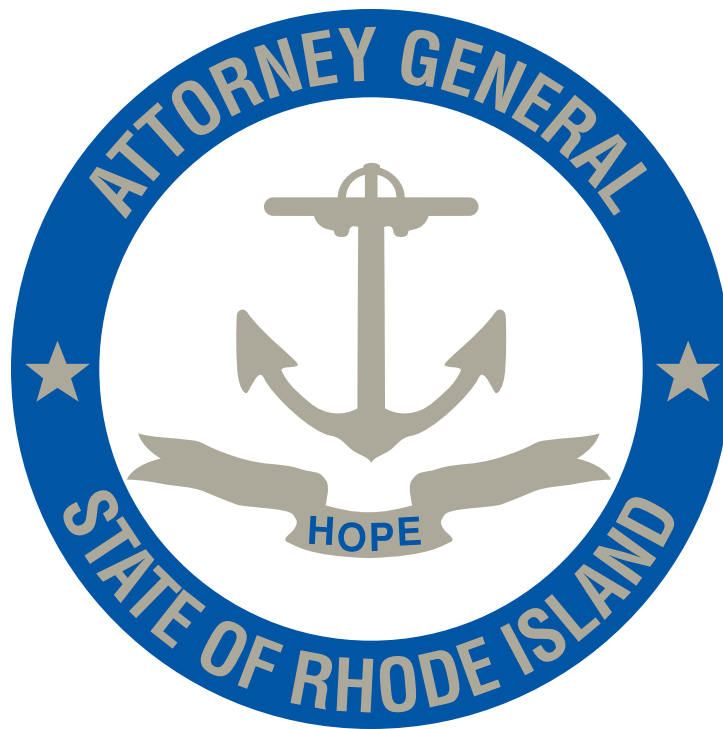

**STATE OF RHODE ISLAND
OFFICE OF ATTORNEY GENERAL
2012 ANNUAL REPORT**



**PETER F. KILMARTIN
ATTORNEY GENERAL**

150 SOUTH MAIN STREET
PROVIDENCE, RI 02903
(401) 274-4400
WWW.RIAG.RI.GOV

The Attorney General of Rhode Island is the attorney and advocate for the people of the State of Rhode Island. Whether prosecuting a criminal case, defending the state in a civil forum, representing the public in a regulatory function, or serving as advisor, the Office exerts every effort to serve justice and the public interest within the confines of our adversary system.

All employees discharge the privilege and honor of public service in this Office by:

- upholding the Constitution and laws of the United States and of Rhode Island;*
- treating all persons with dignity, respect and fairness;*
- serving the people of this State with excellence and integrity; and*
- protecting the public interest and safety.*

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To the Citizens of the State of Rhode Island,

As the Attorney General for the State of Rhode Island, I am reminded each and every day of the awesome responsibility I have to protect our citizens, advocate for victims, prosecute those who commit crimes to the fullest extent of the law and uphold the laws of this great state.



Last year was a busy one for the Office and its 231 attorneys, support staff and investigators. In 2012, our Office secured more than \$325 million dollars in recoveries and savings for the State of Rhode Island. For every dollar budgeted to the Office, we returned \$13.24 dollars to the General Fund and to the people. Those are more than just numbers: they represent lower energy and health insurance rates for families and businesses, assistance to allow people to stay in their homes, support for victims of crimes, and less tax revenue that's needed to balance the State's budget.

Included in that amount is approximately \$9.9 million dollars returned to the State's Medicaid program from settlements with major pharmaceutical companies for off-label marketing practices, and \$5.4 million to the State's General Fund from settlements with seven companies for deceptive trade practices.

We also greatly improved transparency in government with the first major changes in more than 20 years to the State's Access to Public Records Act. While the legislation was drafted by our Office, the extraordinary collaboration that contributed to passage of these changes should not go unrecognized. All of the groups involved – public officials, law enforcement, the media and good government groups – brought valuable insight and perspective to the debate, yet no one lost sight that the end goal was far more important than individual preferences.

In February, I joined my fellow attorneys general to announce the landmark agreement with the nation's five largest mortgage service providers over foreclosure abuses and nationwide mortgage servicing practices. The \$25 billion dollar settlement provides an estimated \$172 million dollars in relief to Rhode Island homeowners and stops many deceptive mortgage loan servicing practices.

The settlement helps struggling homeowners avoid foreclosure, brings badly needed reform to the mortgage servicing industry, ensures that foreclosures are lawfully conducted and penalizes the banks for past misconduct, and we are seeing results. By the end of the calendar year, more than 1,000 homeowners obtained real relief in the form of mortgage modifications, interest rate reductions and lien forgiveness. Despite this positive news, we still have much work to do to rebuild our housing market after the recession.

We were also successful in passing a law to amend the state's "Time off for Good Behavior" statute, which stops those who commit the most egregious crimes from earning time off for

behaving while behind bars. The legislation was named the Jason Foreman Act after the little boy who lost his life at the hands of Michael Woodmansee.

I greatly admire the strength of the victims and families who came forward to share their stories of grief and tragedy in the fight to keep this issue at the forefront of the Legislature's agenda. I have had the privilege of meeting and getting to know several of those family members. While each of their stories is unique, they share a common bond: a commitment to turn their own tragedy into an opportunity to prevent others from being victimized again by early release of the criminals who caused their loss.

It remains the priority of this Office to ensure the safety of all Rhode Islanders, and passage of the Jason Foreman Act was an important step in keeping violent criminals behind bars and off of our streets.

This annual report provides a glimpse into how our Office works and I hope you will find it informative and useful. I am proud of the work we do on behalf of Rhode Island and its citizens each and every day and I pledge to uphold the trust you have placed in me as Attorney General.

Sincerely,

A handwritten signature in cursive script that reads "Peter F. Kilmartin".

Peter F. Kilmartin

Rhode Island Signs Landmark National Mortgage Settlement



In February, Attorney General Kilmartin announced the landmark joint federal-state agreement with the nation's five largest mortgage service providers over foreclosure abuses and nationwide mortgage servicing practices. The \$25 billion settlement provides an estimated \$172 million in relief to Rhode Island homeowners and addresses future mortgage loan servicing practices.

The settlement provides relief to help struggling homeowners avoid foreclosure, brings badly needed reform to the mortgage servicing industry, ensures that foreclosures are lawfully conducted and penalizes the banks for past misconduct.

The state's estimated share of the settlement is \$172 million:

- Rhode Island borrowers will receive an estimated \$152.6 million in benefits from loan term modifications, including principal reduction and other relief.
- Rhode Island borrowers who lost their home to foreclosure from January 1, 2008 through December 31, 2011 and suffered servicing abuse would qualify for \$3.1 million in cash payments to borrowers.
- The value of refinanced loans to Rhode Island's underwater borrowers will be an estimated \$7.3 million.
- The state will receive a direct payment of \$8.5 million to help fund consumer protection and state foreclosure protection efforts.

More than 1,000 Homeowners Receive Financial Relief

By November, it was reported that more than 1,000 Rhode Island homeowners had received financial relief, valued at \$73,165,044. In addition, another 896 Rhode Island homeowners were in the process of receiving financial relief, including first lien modifications and refinancing.

The information was provided as part of the formal report issued by the National Mortgage Settlement Monitor Joseph P. Smith. According to the report, Rhode Island homeowners saw the following in relief:

- 91 homeowners received first lien modifications, with a total relief value of \$10,818,138, or an average of \$118,881.
- 163 homeowners received forbearance forgiveness, with a total benefit of \$10,103,990, with the average homeowners seeing \$61,988 in relief.
- 13 homeowners have received second lien modification forgiveness, with a total value of \$336,534 and an average savings of \$25,887 per homeowner.

- 215 homeowners completed second lien extinguishments, with a total savings of \$9,871,813, for an average savings per homeowner of \$45,915.
- 291 homeowners have completed shorts sales, with deficiencies forgiven, for \$31,319,674 in relief, or \$107,628 in relief per homeowner.
- 65 homeowners have received enhanced borrower transitional funds by the mortgage service providers, valued at \$736,829, or \$11,336 per homeowner.
- Eight (8) homeowners have received payments from servicers to unrelated second lien holder for release of second liens, valued at \$38,419, or \$4,802 per homeowner.
- 86 homeowners have received deficiency waivers from the mortgage service providers, valued at \$5,661,927, or \$65,836 per homeowner.
- Two (2) REO properties owned by the mortgage service providers were donated, valued at \$255,585.
- 85 homeowners have completed refinances, with the average interest rate reduction of 2.41 percent, valued at \$4,022, 135, or \$47,319 per homeowner.

“It is clear that the settlement is bringing real relief to Rhode Island homeowners. There is still much work to be done to right the housing market in Rhode Island and the nation, but I believe this is a good first step,” said Attorney General Kilmartin. “In addition to monetary relief for homeowners, the report shows that the settling mortgage service providers have made great headway towards implementing improved mortgage servicing standards, protecting homeowners from the egregious practices that banks committed in the past.”

For most, there is no greater investment than a person’s home. Every day, Attorney General Kilmartin advocates on behalf of homeowners, working with banks and mortgage service providers to find solutions that keep Rhode Island families in their homes.

Kilmartin Provides Mortgage Settlement Grant to Rhode Island Legal Services

Under the terms of the National Mortgage Settlement, Attorney General Kilmartin was given the authority to grant nearly \$8.5 million to support homeowner assistance and consumer education programs in Rhode Island. In September, Attorney General Kilmartin announced a two-year, \$1.57 million grant to Rhode Island Legal Services (RILS) to fund the Foreclosure Prevention Project.

With the grant, RILS expects to help stop, prevent, or delay the foreclosure of approximately 1,800 homes each year. Rhode Island Legal Service’s direct representation includes assisting homeowners facing foreclosure in bankruptcy court, providing housing and foreclosure prevention counseling, negotiating directly with lenders on loan modifications and principal reductions and filing lawsuits against predatory lenders.

“Many Rhode Islanders facing foreclosure cannot afford to hire a private attorney to advocate for them against the mortgage service providers or represent them in legal proceedings,” said Attorney General Kilmartin. “Rhode Island Legal Services has a long tradition and an excellent reputation for providing effective legal assistance and representation for those less fortunate. The Foreclosure Prevention Project will enable RILS to add the staff resources needed to refocus efforts on this critical legal problem confronting many homeowners.”



In order to meet the rising demand for legal assistance to homeowners facing foreclosure, RILS will implement four key strategies designed to have the most impact in assisting at-risk homeowners to avoid foreclosure, including: pre- and post-foreclosure litigation; loan modification; post HAMP enforcement; and major impact litigation including bankruptcy when appropriate.

Protecting Homeowners From Mortgage Modification Scams

As a result of the housing crisis, homeowners have become vulnerable to individuals and businesses with false promises of lowering monthly payments or helping to escape foreclosure.

To educate the public about mortgage modification scams and to connect homeowners with legitimate housing resources, Attorney General Kilmartin partnered with the Loan Modification Scam Alert campaign and Providence Mayor Angel Taveras to host a mortgage foreclosure prevention and loan modification workshop.



The workshop provided information and assistance to homeowners potentially in jeopardy of going into foreclosure, homeowners currently in foreclosure, and anyone who interested in learning more about the National Mortgage Foreclosure Settlement to see if they were eligible for any of the relief programs.

“With the state and the nation still reeling from the housing crash and many homeowners struggling to stay in their homes, this workshop brought together the many local, state and federal resources and assistance programs available to homeowners. It also served as an opportunity to learn more about the National Mortgage Foreclosure Settlement and how to protect against those who illegally make false promises of mortgage modification relief.”

On hand to assist homeowners were HUD-certified counselors, mortgage service providers, Rhode Island Housing, Housing Network of Rhode Island, Rhode Island Legal Services, the West Elmwood Housing Development Corporation, Blackstone Community Action Program and many other federal, state and local assistance agencies.

Making Homes Safe From Lead Paint

In 2012, Rhode Island celebrated a landmark achievement in public health and the battle against preventable childhood lead poisoning with the announcement that more than 600 homes in low-income communities are now lead-safe. The joint announcement was made by Attorney General Peter Kilmartin, the Children's Health Forum, the Healthy Kids Collaborative and CLEARCorps USA.



The program was funded by DuPont and conducted as a partnership between the Children's Health Forum and the Office of Attorney General with the input and guidance of community leaders, health officials and lead poisoning prevention and remediation experts. The Healthy Kids Collaborative was formed as part of the landmark agreement forged by the Office of Attorney General and the DuPont Corporation in June 2005.

Ten million dollars in grant funding has been provided to several Rhode Island non-profit organizations under the Healthy Kids Collaborative since 2008 for lead safety education, outreach, training, remediation and compliance.

"Childhood lead poisoning can attack the nervous system, which can result in learning disabilities, behavioral problems and impaired coordination. High levels of lead may cause a person to suffer brain damage, mental retardation and even death. Thanks to the hard work and commitment of the Healthy Kids Collaborative and the Children's Health Forum, more than 600 homes in low income neighborhoods in Rhode Island are now lead-safe, making it safe for children to live and breathe," said Attorney General Kilmartin.

More than 75 jobs were created by the various agencies and contractor firms involved in the program, including 16 AmeriCorps positions.

Prosecuting Public Corruption

After a multi-year joint state and federal investigation, Attorney General Kilmartin, along with the US Attorney's Office, announced in November that former Central Falls Mayor Charles Moreau and businessman Michael Bouthillette pleaded guilty to corruption charges in a scheme where Moreau received gratuities in return for providing Bouthillette with lucrative board-up work on more than 100 properties in the financially-strapped city.

"Public officials have a moral, ethical and legal responsibility to conduct the people's business without greed or graft," said Attorney General Kilmartin at a press conference announcing the charges against Moreau and Bouthillette. "The indictment and subsequent admission of guilt by Moreau and Bouthillette closes a dark chapter on the proud city of Central Falls and serves as a notice to all public officials that illegal and unethical behavior will not be tolerated by this Office."

In July, a Superior Court Judge found former North Providence Police Chief John Whiting guilty of larceny over \$500 and solicitation to receive stolen goods.



At the time of the verdict, Attorney General Kilmartin, a 23-year veteran of the Pawtucket Police Department, stated, “This Office takes seriously its responsibility of bringing all those who break the law to justice. That responsibility is made more challenging in prosecuting those who take an oath to uphold the law; those with whom we work, day in and day out, to protect all citizens of this state. It is disheartening for someone with a lifelong career in law enforcement – someone with what, up until that fateful morning, could be considered an exemplary career – to be marred by a criminal act. However, it is our responsibility as prosecutors, and the responsibility of police officers, to apply the law evenly, without fear or favor, to all those who break the law. It is then, and only then, that we can protect the confidence the public has instilled in our criminal justice system.”

Fighting Public Corruption with the Right Tools

Recognizing that Rhode Island lags behind other states in updating public corruption laws, which hinders the ability to prosecute those who violate the public’s trust, Attorney General Kilmartin put forth a comprehensive legislative package to root out corruption in state government and give prosecutors the tools they need to go after those who abuse the offices they hold. The bills tackled “pay to play” activity and provided greater authority to prosecute those who commit crimes against the public trust.



“As public servants and leaders, we must take action to crack down on acts that contribute to public distrust of our government. My public corruption bills will provide law enforcement and our office the tools they need to punish those who violate the public trust,” added the Attorney General. “In these times of government mistrust, the citizens of Rhode Island need assurance that their government, at all levels, is working to further the public good and not line their pockets. We cannot continue down a path that creates cynicism about our elected officials. We must take action to crack down on acts that contribute to public distrust of our government. We must end the corruption that has plagued our state. This legislation is aimed at doing just that.”

Attorney General Kilmartin also put forward legislation to codify into state law a Public Corruption Unit at the Office of Attorney General to send a strong message that prosecuting public corruption is a top priority for the Attorney General.

While the legislation failed to pass the General Assembly during the 2012 session, Attorney General Kilmartin filed legislation for consideration during the 2013 session.

Rooting Out Disability Pension Fraud

Reaffirming his commitment to root out fraud and abuse in government, Attorney General Kilmartin, together with General Treasurer Gina Raimondo, established a confidential tip line to report disability pension fraud. The tip line is available 24 hours a day, seven days a week.

When announcing the tip line, Attorney General Kilmartin discussed the importance of ensuring the integrity and financial viability of the disability pension system by ridding the system of individuals who abuse it with fraudulent disability claims. “Each and every tax dollar must be used wisely and efficiently, and we must be vigilant in rooting out fraudulent uses of government programs,” Kilmartin said. “Combining forces to identify and combat pension disability fraud in Rhode Island will further protect taxpayer dollars and protect those who the disability pension system was designed to protect.”

Since established in September, the hotline received more than 100 calls, resulting in four individuals being investigated by the Employees’ Retirement System.

Keeping Violent Felons Behind Bars

Attorney General Kilmartin submitted the original “Time off for Good Behavior” legislation in 2011 after the broader issue of good time credits was highlighted by the early release of Michael Woodmansee, who had nearly 12 years shaved off his sentence by good behavior credits. Although the General Assembly did not pass the legislation in 2011, it requested the Criminal Justice Oversight Commission (CJOC) to study the issue of time off for good behavior more closely with the goal to return with amended legislation.



In 2012, with input from the CJOC, Attorney General Kilmartin once again submitted legislation to amend the state’s time off for good behavior rules. The legislation, named the Jason Foreman Act after the little boy who lost his life at the hands of Michael Woodmansee, passed the General Assembly and was signed by Governor Chafee. It prohibits those prisoners convicted of and serving sentences for murder, kidnapping of a minor, first degree sexual assault and first and second degree child molestation from earning credits towards early release.

“I greatly admire the strength of the victims and families who came forward to share their stories of grief and tragedy in this fight to keep this issue at the forefront of the Legislature’s agenda. Over the past year, I have had the privilege of meeting and getting to know several of those family members. While each of their stories is unique, they share a common bond: a commitment to turn their own tragedy into an opportunity to prevent others from being victimized again by early release of their perpetrators,” said Attorney General Kilmartin.

It remains the priority of this Office to ensure the safety of all Rhode Islanders, and the passage of this bill is an important step in keeping violent criminals behind bars and off of our streets.

Educating Young Drivers on the Dangers of Distracted Driving



The statistics are startling: while nearly all teenagers know that texting while driving is dangerous, 43 percent of them admit to sending texts while they drive, and they say that adults set a bad example by texting and driving themselves.

Attorney General Kilmartin teamed up with the Rhode Island Department of Transportation, the Rhode Island State Police and AT&T to bring attention to the dangers of texting and driving to high schools across the state with powerful “Txtng & Drivng...It Can Wait” public service campaign.

“We are spreading the message to young drivers across Rhode Island: No text message is so important that it’s worth taking your attention off the road and risking lives in the process,” said Attorney General Kilmartin, who sponsored the state’s landmark legislation in 2009 banning texting while driving in Rhode Island. “Whether turning the phone off, taking a pledge, or just making it a personal practice, the next time you think about sending or answering a text while operating a vehicle please remember – It Can Wait.”



By December, Attorney General Kilmartin had visited nine schools, where more than 4,300 students signed the pledge to not text while driving, and had scheduled nine additional visits throughout remainder of the school year.

Strengthening Drunk Driving Laws

As part of his 2012 legislative package, Attorney General Kilmartin proposed legislation that would considerably enhance the state’s current drunk driving and reckless driving laws. First, the legislation would allow for discretionary ignition interlock for those who drive drunk or refuse to submit to a breathalyzer. Second, the Attorney General sought to enhance penalties for DUI death resulting and DUI serious bodily injury, while adding a new offense, DUI injury resulting. Third, the legislation would increase the “look back” period for subsequent DUI and refusal penalties for subsequent violation from the current five years to 10 years.

Advocating to End Domestic Violence

Attorney General Kilmartin was a vocal critic of the United States Congress’ inability to take action to reauthorize the Violence Against Women Act (VAWA).

Since the enactment of VAWA in 1994, domestic violence and sexual assault have come out of the shadows and been subjected to the bright light of the justice system, advocacy groups and legislative efforts. Much progress has been made and recent nationwide statistics on the reduction in domestic and sexual violence are encouraging. But much work still needs to be done. In Rhode Island, the Attorney General's Office prosecuted hundreds of domestic felony cases in 2012, including (number of) domestic murder cases. These statistics represent but a fraction of the totals statewide. For every one case charged, there are several more violent acts against domestic relatives that are not brought to light, yet which still have significant effects on victims and children of victims.



Rhode Island has made great use of the funds it has received through VAWA over the years in its efforts to address this scourge of violence. These funds go to maintaining and improving the statewide system of support for victims of domestic violence and sexual violence through preventative programs such as advocacy, training, legal services and housing for victims, as well as prosecution of offenders through specialized prosecutors and improved training for police. VAWA funds have helped make all of these stakeholders integrated with one another to ensure that victims do not fall through the cracks.

In a letter to the Rhode Island's congressional delegation, Attorney General Kilmartin wrote, "A great deal of work remains to be done. Reauthorizing this important Act will permit critical services to victims to continue without interruption and will allow new, targeted efforts to be developed in the areas where research shows we can have the most impact. Law enforcement and prosecutors rely on this legislation, and victims desperately need the core services authorized by VAWA to keep them safe and help them heal."

Despite efforts by Attorney General Kilmartin and others, Congress was unable to reach a bi-partisan agreement on VAWA and 2012 ended without reauthorization, although funding was secured through budgetary stop-gap measures.

Bringing Awareness to Teen Dating Violence

During February, Attorney General Kilmartin partnered with the national "That's Not Cool" campaign to bring awareness to the dangers of dating abuse, especially digital dating abuse. As part of the national ***That's Not Cool*** campaign (www.thatsnotcool.com), Attorney General Kilmartin reached out to teens through social media to help kids recognize the signs of digital dating abuse.

"It is important for young people to understand the difference between affection and obsession, and that no one – regardless of age or gender – should be subject to abuse," said Attorney General Kilmartin. "Teens often don't realize that abuse isn't always physical. Pressuring for risqué photographs, excessive and unwanted text messages, hacking into email or social media accounts – these are all forms of abuse. I want kids and



parents to learn how they can prevent teen dating violence. Through education and awareness, we can work together to break the cycle of violence, which all too often leads to tragic consequences.”

Dating, domestic and sexual violence affect people of all ages, but teens are especially vulnerable as they are just starting to date. Recent statistics show that one in three young people experience some form of dating abuse, and that one in three teens knows someone who has been hit, slapped, punched, kicked or physically harmed by a partner. Physical abuse is usually the most obvious form of abuse, but dating abuse can also be emotional and psychological. And, in today’s increasingly technology-based society, a newer form of abuse has emerged: digital dating abuse. It can include unwanted, repeated calls or text messages, breaking into email or social networking accounts, or being pressured to send private or embarrassing pictures or videos.

One in four teens in a relationship say they have been called names, harassed or put down by their partner through cell phones and texting. Thirty percent of teens have been text messaged 10, 20 or 30 times an hour by a partner wanting to know where they are, what they’re doing, or who they’re with. Sixty-eight percent of teens say that boyfriends/girlfriends sharing private or embarrassing photos/videos on cell phones and computers is a serious problem.

The Office of Attorney General has led the fight against teen dating violence in Rhode Island, advocating for the enactment of the Lindsay Ann Burke Act in Rhode Island to help reduce the awful prevalence of teen dating violence on our society.

Domestic Violence Awareness Month

Once again, to recognize National Domestic Violence Awareness Month, Attorney General Kilmartin held a cell phone recycling drive throughout the month of October to benefit victims of domestic violence and the Rhode Island Coalition Against Domestic Violence (RICADV).

In addition to refurbishing phones, the drive also disposed of old cell phones in an environmentally safe way. Throughout the month of October, the public was invited to drop off old and discarded cell phones and cell phone accessories at the Office of Attorney General in Providence and courthouse offices in Newport, Providence, Warwick and Wakefield.



“The theme of this year’s Domestic Violence Awareness Month is ‘NO MORE: Together We Can End Domestic Violence and Sexual Assault.’ It’s a strong message that offers simple ways, like donating an old cell phone, for each of us to make a difference,” said Attorney General Kilmartin. “Donating an old cell phone helps fund programming that empowers victims of domestic violence and helps them remain free from abuse, and gives support and resources to local organizations across Rhode Island working to stop violence in the home.”

As a result of the Attorney General’s efforts, Verizon Wireless made a \$2,000 HopeLine contribution to the RICADV to provide financial assistance to local non-profit organizations focused on supporting victims of domestic violence.

Legislative Changes to Improve the Access to Public Records Act

All Rhode Islanders share the common goal that government be open and accessible to the public. Democracy is built on the principle of transparent, open and accessible government, which is the key to maintaining the public's trust of its elected officials. Recognizing the need to bring greater transparency and consistency to the state's Access to Public Records Act (APRA), Attorney General Kilmartin filed legislation to the Rhode Island Senate that advanced the APRA for the first time in more than a decade.

The legislation, submitted in the Senate on behalf of the Attorney General by Senator James C. Sheehan, significantly altered the individually identifiable exemption of the current statute, made more information public, provided that all public pension records are public records, provided greater protections for those requesting records and increased fines for public bodies that knowingly and willfully violate the law.

The legislation, passed by the General Assembly and signed into law by the Governor, was hailed by the media and open government advocacy groups as ushering in a new era of transparency and accountability for government in Rhode Island.

After its passage, Attorney General Kilmartin noted, "Government must be accountable to the people. The public has the right to know how government officials spend taxpayer dollars and make the decisions affecting their lives, and the reforms to APRA achieve this goal. Mark Twain, in the "Gilded Age: A Tale of Today" wrote, 'No country can be well governed unless its citizens as a body keep religiously before their minds that they are the guardians of the law and that the law officers are only the machinery for its execution, nothing more.' While Mark Twain penned that line close to 140 years ago, it still rings true today."



With the bill signed into law, Attorney General Kilmartin once again hosted his "Open Government Summit" at Roger Williams University, where more than 600 elected officials and public employees learned how to comply with the APRA and the OMA. Additionally, the event was streamed live online.

The Summit provided an explanation of the statutory requirements of APRA and OMA, 2011/2012 case law and legislative updates and examples of frequent trouble areas.

In addition to the Open Government Summit, staff from the Attorney General's Open Government Unit fanned out across the state to provide smaller seminars to local municipalities and law enforcement officials.

Calling for a Constitutional Amendment to Overturn Citizens United

Citing concerns about unlimited contributions by corporations and special interest groups for political advertising, Attorney General Kilmartin called on Congress to pass an amendment to the U.S. Constitution to reverse the U.S. Supreme Court decision in *Citizens United v. Federal Election Commission*.



In January 2010, the United States Supreme court handed down its decision in *Citizens United v. Federal Election Commission*. The Supreme Court ruled that certain restrictions under federal law on corporate political campaign advertisements violated the First Amendment's free speech protections, thereby allowing corporations to spend unlimited amounts of money on elections.

The *Citizens United* decision has resulted in a torrent of undisclosed corporate and special interest money into the electoral process due to the flourishing of corporate spending. According to the Center for Responsive Politics, the amount of money spent by non-party committees during the 2010 Congressional elections was more than \$300 million, more than four times the amount spent during the 2006 Congressional elections. This trend of increasing expenditures by non-party committees only continued during the 2012 election cycle, which will mark the first Presidential election cycle since the *Citizens United* decision.

Attorney General Kilmartin noted, "The good news is that we can do something to right this wrong. In addition to supporting litigation fighting for states' rights to restrict corporate political spending through amicus briefs and the like, there is a national movement to amend the Constitution to limit First Amendment protections to natural persons, not corporations."

"I recognize that amending the Constitution is not an easy task and should not be done lightly. It should only be amended when it is in the absolute best interest of the nation and its citizens. Undoing the damage of *Citizens United* is in the best interest of our country, and is the only way to put the electoral process back in the hands of the people, not special interests."

In May 2012, Attorney General Kilmartin joined 22 attorneys general in filing an amicus brief asking the Supreme Court to reconsider the 2010 *Citizens United* decision, citing that unrestricted independent campaign expenditures may distort political races, promote corruption or require corporate shareholders to fund political communication that they oppose. The states argued that all state laws governing corporate campaign expenditures seek to ensure that such expenditures did not undermine principles of accountability and integrity in state and local elections, while protecting residents' rights to participate in the electoral process.

Giving Back to Our Community

A core tenet of the Office of Attorney General is the belief that it is important to give back to the community. The more than 225 employees donate their time and money to countless charities, participate in community events to raise awareness of causes that are important to them, and lend a hand whenever asked.



For the past two years, the Office has participated in the Kids, Cops & Classrooms and Kids, Cops & Christmas events, donating thousands of dollars in school supplies and Christmas presents to children in need.

Every eight weeks, the Office holds a blood drive with the Rhode Island Blood Center, and each Christmas, the Office adopts several families to provide presents under the tree. Throughout the year, the Office collects food for the Rhode Island Community Food Bank and

Progreso Latino, and this year, the Office collected more than 100 winter coats, scarves and mittens for the Neighborhood Alliance of Pawtucket annual “Warm Hearts Coats & Stuff Drive.”

One of the favorite and most-beloved organizations the Office supports is Special Olympics Rhode Island. Many employees serve as volunteer coaches and lend a hand at the Special Olympics Summer and Winter Games. This year, Attorney General Kilmartin served as the Honorary Chair of the Special Olympics Rhode Island Torch Run.

I was truly honored and humbled to be a part of the Special Olympics Rhode Island Torch Run and Summer Games. Special Olympics offers an opportunity for children and adults with intellectual disabilities to participate in sports, discover their inner strength and be part of their communities. Special Olympics teaches us all the value of good sportsmanship and hard work, and the importance of community, family and friendship,” said Attorney General Kilmartin. “The Office of Attorney General has enjoyed a long relationship with Special Olympics Rhode Island, with many employees who volunteer their time as coaches and staff during the Games. I look forward to continuing that tradition.”



Recognizing Those Who Support Their Community

Each April during National Crime Victims’ Rights Week, the Office of Attorney General has the opportunity to honor individuals and organization that are committed to providing support and resources for victims.

For victims, reshaping the future means confronting many challenges. After a crime, victims need to know what rights and resources they can count on. They may need funds to bury a loved one or pay medical bills. They deserve information on the criminal justice process, their rights to be present or heard in court and to be notified about court proceedings and offenders’ whereabouts. Rhode Island is home to many who dedicate not only resources and time to helping victims of crimes, but also offer a shoulder to lean on.



The 2012 National Crime Victims' Right Week Rhode Island honorees included Sgt. William Merandi (retired), who for a number of years, headed up the Special Victims Unit at Providence Police Department; Theresa Mello, a volunteer advocate with Day One since 2008 on the Victims of Crime Helpline; Anjeli Huertas, a former student at the Blackstone Academy Charter School, who completed her senior project on human trafficking; Robert McKenna, Assistant Dean and Assistant Professor of Criminal Justice, Roger Williams University; Stephanie

Manzi, Dean of the School of Justice Studies at Roger Williams University; and Gale James, Director of the U.S. Attorney's Victim Witness Assistance Program.

Too often victims of crime have been overlooked or excluded from the judicial process. The individuals honored have demonstrated exemplary dedication and compassion in helping victims of crime to rebuild their lives, giving them hope for the future and a greater voice in the process.

Attorney General Kilmartin continued with the Justice Awards, a tradition that recognizes the efforts of individuals to justice and protecting Rhode Islanders. The awards recognize individuals' extraordinary commitment to justice and are presented in honor of the eight previous Attorneys General.

The 2012 recipients were:

- North Providence Acting Police Chief Paul Martellini received the Attorney General Dennis Roberts Award for Law Enforcement (Non-Uniform);
- Rhode Island State Police Trooper Michael A. Ferruccio received the Attorney General Richard Israel Award for Law Enforcement (Uniform);
- Amos House received the Attorney General Arlene Violet Award for Crime Prevention;.
- Family Service of Rhode Island Victim Service Program received the Attorney General Herbert DeSimone Award for Domestic Violence Prevention;
- Warwick Police Officer Stephen Lombardi and East Providence Police Officer Thomas Aguiar received the Attorney General James O'Neil Award for Senior Protection;.
- Michael Canole, Donald Englert, James Galvin, Peter McVay, Jacques Moreau and David Sullivan, all of the RI Division of Taxation received the Attorney General Sheldon Whitehouse Award for Consumer Protection;
- Providence Police Officers Kristopher Poplaski and Patrick Potter received the Attorney General Jeffrey Pine Award for Drug Enforcement; and
- Clean the Bay received the Attorney General Patrick Lynch Award for Environmental Protection.

Expanding Opportunities in the Minority Business Community

The American economy was built on the ideas of new Americans who came to this country with ingenuity and a great willingness to work hard. Today, however, the process of starting a new business can be confusing and daunting for anyone, let alone someone who may be new to this country. Attorney General Kilmartin believes it is incumbent upon all elected leaders to work together to help small businesses succeed in Rhode Island.



To that end, Attorney General Kilmartin partnered with the City of Providence, the Scalabrini Dukceveich Center and Western Union to host a Small Business expo for new Americans in June.

Representatives from local, state and federal agencies were on hand to guide small business owners and entrepreneurs through the process of forming a successful new business: from incorporation and local licensing and zoning requirements to financing options, taxation requirements and labor related matters.



Participating agencies included the RI Office of Secretary of State, the RI Economic Development Corporation, the RI Department of Labor and Training Business Network Office, the RI Division of Taxation, the federal Small Business Administration, the City of Providence, the Greater Providence Chamber of Commerce and Western Union, among others.

Making it Easier to Report Medicaid Fraud

With Medicaid accounting for one of the largest portions of the state's fiscal budget with a line item of approximately \$950 million in state tax dollars, Attorney General Kilmartin launched an online "Medicaid Fraud and Patient Abuse Complaint Form" to allow individuals to report instances of Medicaid fraud and patient abuse electronically to the Attorney General's Medicaid Fraud Control and Patient Abuse Unit for investigation and referral.

"We know there is fraud and abuse in the Medicaid system, but it often goes unreported because citizens may not know where to turn for help," said Attorney General Kilmartin. "This online complaint form is a valuable resource for patients, families, health professionals and all taxpayers to report possible fraud in our Medicaid system."

Available to download at www.riag.ri.gov, the form enables constituents to anonymously submit information regarding the subject of the complaint, the suspected fraud and a brief description of the events that occurred. Complaints are reviewed on a daily basis by members of the Medicaid Fraud Control and Patient Abuse Unit.

Holding Big Pharma Responsible for Illegal and Deceptive Marketing Practices

The prosecutors and investigators who comprise the Medicaid Fraud and Patient Abuse Unit work closely with federal and state authorities to investigate pharmaceutical companies who overbill and de-fraud the state's Medicaid program. In 2012, the Unit returned \$9.9 million to the state's Medicaid program in settlement agreements with pharmaceutical companies, including \$4.6 million to Rhode Island as part of the single largest healthcare fraud settlement in U.S. history with GlaxoSmithKline to resolve allegations that the Company engaged in various illegal schemes related to the marketing and pricing of drugs it manufactures.



Attorney General Kilmartin announced several multi-million dollar settlements with pharmaceutical companies for similar bad practices, including \$1.87 million settlement with Maxim healthcare and a \$2.67 million settlement with Abbott Laboratories to reimburse the Medicaid program for the company's illegal off-label marketing of its drug Depakote.

In addition, the Antitrust Unit, part of the Civil Division of the Office, works with state attorneys general and the federal government to investigate companies that violate federal antitrust laws and engage in deceptive trade practices. Often, the Antitrust Unit is pursuing investigations and settlements with the same pharmaceutical companies involved in Medicaid settlements, but under the civil deceptive trade practices. In 2012, the Office secured an additional \$1.2 million in a settlement with GlaxoSmithKline, and an additional \$1.14 million in a settlement with Abbott over marketing of Depakote.

In 2012, the Antitrust Unit entered into settlements with seven companies for deceptive trade practices, including non-pharmaceutical companies, returning approximately \$5.4 million to the State's General Fund.

Training Law Enforcement in the Growing Epidemic of Identity Crime

Recognizing that the ever-evolving advancements in technology have created new avenues for individuals to engage in criminal activity, Attorney General Kilmartin hosted a law enforcement training seminar on identity crime.

Speaking to the room of state and local law enforcements professionals, Attorney General Kilmartin noted the complexities of identity crime: "It can be organized and linked to international crime syndicates, including terrorism, pornography and drug and human trafficking. Identity theft also can be local, involving friends, family and neighbors. Either way, identity crime can be difficult to track and crosses jurisdictional boundaries, making it hard to prosecute. This training provides enhanced strategies



and law enforcement tools to work together on the critical issue of identity theft, keeping our communities safe from threats of this level.”

The seminar included presentations from the Federal Motor Carrier Safety Administration, the FBI, the Federal Trade Commission, the United States Secret Service, the United States Postal Inspection Service and Immigration and Customs Enforcement. The event concluded with a prosecutor’s panel, with representatives from the Office of Attorney General, Bristol County District Attorney’s Office and the US Attorney’s Office of Rhode Island, which provided case updates, best practices and advice for investigation and preparing a case for successful prosecution.

Topics covered included how people establish identity and how government verifies identity, the FBI’s Internet Crime Complaint Center and NCIC Identity Theft File, victim assistance, trends in identity theft and fraud cases, as well as federal and state resources available for law enforcement and consumers.

Providing Consumers With a Secure Way to Prevent Identity Theft



The old adage of “one person’s trash is another person’s treasure” rings true for identity thieves. Scam artists know a great place to obtain confidential information about you is from your trash. Too many consumers simply toss old bills, receipts, or other documents that contain identifying information into the garbage. It is important to completely rid papers of personal or identifying information before tossing them in the trash. The best way to do that is through shredding.

After the overwhelming success of the previous year, Attorney General Kilmartin hosted an expanded schedule of shred-a-thons for the 2012 National Consumer Protection Week.

“It is very important that consumers are well-informed and proactive so that they can protect themselves from fraud,” said Attorney General Kilmartin. “Year-round, our office helps to educate Rhode Island consumers so they can better protect their privacy, manage finances, prevent identity theft and avoid scams and frauds. One of the best ways consumers can safeguard their personal information is by shredding documents that contain sensitive information, so we have partnered with Doc Shredding Corp and the Rhode Island Community Food Bank to hold shred-a-thons around the state while also helping our neighbors in need.”

The secure shredding service, free to the public, was for the second year in a row provided by Doc Shredding Corp, which certifies that all confidential materials collected are handled and destroyed with the highest degree of security. Recognizing the increased demand on food banks across the state, the Attorney General asked participants to bring a non-perishable food item for the Rhode Island Community Food Bank.



By the end of the week, Rhode Islanders had shredded almost nine tons of material and donated over 600 pounds of food for the Rhode Island Community Food Bank.

Getting Unwanted and Dangerous Prescription Drugs Out of the Home

Prescription drug abuse is quickly becoming a major epidemic in Rhode Island and across the nation. According to the Centers for Disease Control, more Rhode Islanders die from accidental prescription drug overdose than any other cause of death. And the number of individuals - especially teenagers - who abuse prescription medication is growing. To combat this growing problem, the Office of Attorney General teamed up with the federal Drug Enforcement Administration, law enforcement, and behavioral healthcare experts to hold “Prescription Drug Take Back” events across the state.

“All of us who are passionate about reducing drug abuse cannot ignore the growing dangers of prescription drug abuse, particularly among teens and young adults. By preventing drug abuse where it starts, we can make a tremendous difference in our community,” said Attorney General Kilmartin. “Users don’t need to buy their drugs on dark street corners. Most abused prescription drugs come from family and friends – and the home medicine cabinet. You could be a drug dealer and not even know it.”



This initiative addressed a vital public safety and health issue. Medicines that languish in home cabinets are highly susceptible to diversion, misuse and abuse. Rates of prescription drug abuse in the U.S. are alarmingly high, as are the number of accidental poisonings and overdoses due to these drugs. Studies show that a majority of abused prescription drugs are obtained from family and friends, particularly from the home medicine cabinet. In addition, Americans are now advised that their usual methods for

disposing of unused medicines — flushing them down the toilet or throwing them in the trash — pose potential safety and health hazards.

The Prescription Drug Take Back Days occurred in April and September. Rhode Islanders responded on those two days by turning in more than 3,100 pounds of outdated and unused prescription medications.

Keeping New Drugs Off The Streets

The explosive growth of manufactured, synthetic drugs is the new frontier in the war on drugs, and it will continue to place challenges on law enforcement. Never before have law enforcement seen drugs so quickly develop and cause so much long term damage to users.

Through statutory construction, the General Assembly officially codified by statute several synthetic drug compounds that are marketed as “bath salts” on the Rhode Island Uniformed

Controlled Substances Act Schedule I list, making the distribution, manufacture and possession of bath salts illegal in Rhode Island, Attorney General Kilmartin announced.

Prior to the statutory codification, the Rhode Island Department of Health, at the request of Attorney General Kilmartin, listed the compounds that are marketed as “bath salts” on the Schedule I list.

Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the nervous system including its salts, isomers and salts of isomers:

- 4-methyl-N-methylcathinone (mephedrone)
- 3,4-methylenedioxy-N-methylcathinone (methyldone)
- Methylenedioxypyrovalerone (MDPV)

“There are a number of new challenges law enforcement face in identifying the chemical compound of products that are being sold over the counter in convenience stores. First, there is no easy, on-the-spot test to determine the chemical makeup of these products. Each product has to be tested by HEALTH. Second, manufacturers continually alter, ever so slightly, the compounds used to make these products, with the “new” products sold under a different name and put on the market as quickly as others are identified and placed on the Schedule I list,” said Attorney General Kilmartin.

Attorney General Kilmartin has filed legislation in 2013 that will further hamper manufacturers of synthetic drugs from creating and distributing altered compounds.

Protecting the Environment and Public Access to the Coastline

To resolve a long-standing dispute over beachfront access, Attorney General Kilmartin brought an action in Superior Court seeking to enforce the public’s right to enjoy a nearly two-mile section of the Misquamicut beachfront east of the State Beach. In particular, the action sought to enjoin specific beachfront lot owners from interfering with the public’s right to use this dry sand area, alleging that this strand was dedicated to the public by a recorded 1909 plat.

When filing the suit, Attorney General Kilmartin explained the need for a resolution: “This is an issue that needs to be addressed once and for all to determine important property rights. It is my strong belief that no one is entitled to block access to Rhode Island’s beaches, and I will fight to protect these valuable resources for the citizens of both Westerly and all of Rhode Island.”

The original 1909 plat subdivided nearly two miles of Misquamicut shorefront south of Atlantic Avenue between what is now the State Beach and the Weekapaug Breachway. The action charges that the 1909 plat created both the current beachfront lots *and* a distinct beach strip between those lots and the ocean. It also created several rights-of-way connecting to that beach. According to the Attorney General, the 1909 plat shows that these beachfront lots only extend to the base of the dunes as they existed in 1909. The assertion is that the oceanfront lying below the dunes was not included in the private lots; that this strip was set aside for the people.

Keeping the Kickemuit Free From Dangerous Debris and Illegal Docks

In April, after Thomas Koolen was ordered to spend the night at the ACI for failure to comply with a Coastal Resources Management Council (CRMC) order to remove more than 100 illegal floating docks on the Kickemuit River in Warren, the polluter agreed to remove the docks.

Koolen tried to legally outmaneuver CRMC and skirt his responsibility to clean up the environmental hazard and public safety nuisance he created with the docks by filing for federal bankruptcy protection. Attorney General Kilmartin intervened to prevent a misuse of the federal bankruptcy process and Mr. Koolen's attempt to continue an unlawful environmental hazard.



Eventually, Koolen removed the docks but not before the Town police and harbormaster had incurred costs supervising the situation. In October, Attorney General Kilmartin announced that money collected through foreclosure proceedings on Mr. Koolen's property would be provided to the Town of Warren to cover the Town's expenses in overseeing the removal of illegal docks on the Kickemuit River.

History

The Office of Attorney General was first created in Rhode Island in May 1650. Since its inception, the Office has been an elected position, except for a brief period from 1740 to 1742 when the charter allowed for the appointment of a King's attorney for each county. In 1842 the Rhode Island Constitution formally adopted the Office of Attorney General.

The Office, established under the Rhode Island Constitution, is one of the five general officers subject to election by voters. The powers and duties of the Attorney General are derived from Article IX, Section 12 of the Constitution of the State of Rhode Island, Chapter 9 of Title 42 of the General Laws of Rhode Island, as amended, and the Common Law.

Major Responsibilities

The Attorney General is the top legal official in Rhode Island. As the state's top prosecutor, the Attorney General fights to enhance the economic security of Rhode Island, protect the public safety of our communities and restore the public trust in state government by fighting corruption.

As the central legal agency of the state, the Office of Attorney General is responsible for prosecution of all felony criminal cases and misdemeanor appeals, as well as prosecution of misdemeanor cases brought by state law enforcement agencies.

Additionally, as chief legal officer of the state, the Attorney General represents all agencies, departments and commissions in litigation and initiates legal action where necessary to protect the interests of Rhode Island citizens.

The Office of Attorney General is also charged with operating and maintaining the Bureau of Criminal Identification, which is the central repository for all criminal records in the state.

Executive and Administrative Divisions

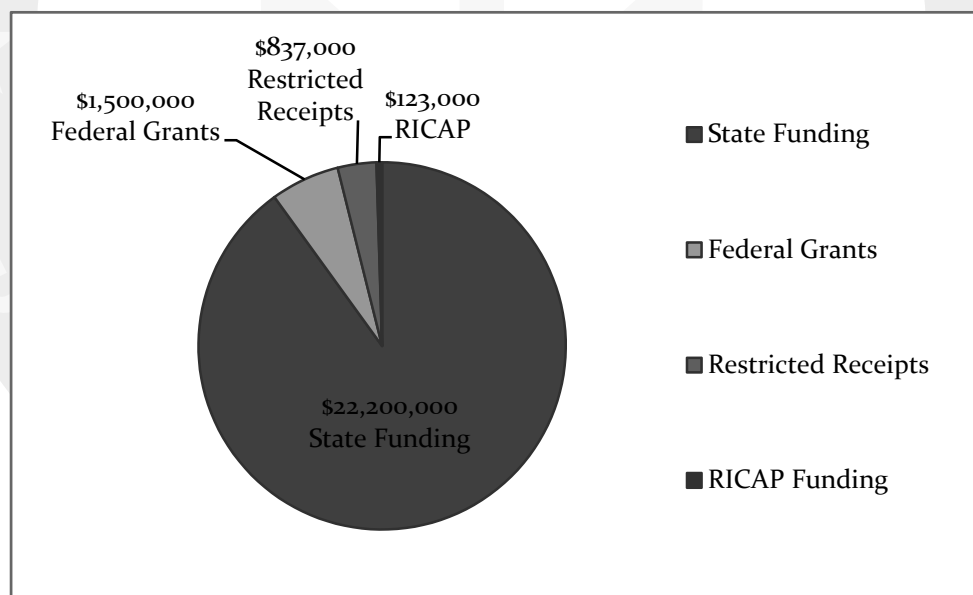
The Executive and Administrative divisions of the Office of Attorney General consist of the Attorney General, Deputy Attorney General, Chief of Staff, Director of Administration and support staff. The divisions provide the general management and direction for the Office and implement policies, programs and legislation aimed at keeping Rhode Island communities safe and secure.

Deputy Attorney General

The Deputy Attorney General serves as the principal advisor to the Attorney General on all legal and administrative matters. The Deputy oversees the development and implementation of policy and serves as liaison between the Attorney General and all department staff and program officials. Gerald Coyne, Esq., has served as Deputy Attorney General since 1999 and has served in that capacity under three Attorneys General.

Administration Division

The Administration Division's role is to provide a seamless support functionality to ensure the overall mission and mandates of the office continue without disruption. The Director of Administration is responsible for all financial operations, including the preparation and submission of the annual budget, monitoring and controlling expenditures, supervising the personnel office, information technology, operations and fiscal office, and lobbies for the resources necessary for efficient operations of the entire Office.



The total budget for fiscal year 2012, ending June 30, 2012, was \$24.6 million. It consisted of \$22.2 million, or 90.1%, in state funding; \$1.5 million, or 6.0%, in federal grants; \$837,000, or 3.4%, in restricted receipts; and \$123,000, or .5%, in Rhode Island Capital Plan Fund (RICAP) funding. The Office of Attorney General continues to make it a priority to return as much money to Rhode Island taxpayers as possible by way of restitution, forfeitures, settlements, reimbursements, fines and the collection of fees.

In 2012, the budget provided for 231.1 full-time equivalent positions:

| | | |
|-----------------------------------|-------|-----------|
| Administration Division | 21.6 | employees |
| Criminal Division | 149.5 | employees |
| Civil Division | 44.0 | employees |
| Bureau of Criminal Identification | 16.0 | employees |

The Office of Attorney General is committed to maintaining a diverse workforce. As of June 30, 2012, the last official reporting period, minorities constituted 14% of the staff and women constituted 60%.

The Administration Division also manages the Scholastic Internship Program, in which 181 college-age and high school-age students participated in 2012. The program is a valuable on-site learning experience for the students as well as a critical resource for the department, whose employees annually log approximately 20,000 hours of uncompensated overtime for the people of Rhode Island.

The Fiscal Office assists in the financial operations of the Office of Attorney General, including the submission of the annual budget, monitoring and controlling expenditures, processing state paperwork such as travel and invoice vouchers, purchase requisitions, maintenance and service contracts and all other budget-related transactions. The fiscal office also handles payroll submission, accrual and discharge of vacation, sick and personal hours and payroll adjustments.

The Human Resources and Benefits Office processes all personnel actions and facilitates the employee benefits offered through the state throughout the employment cycle for the Office's employees.

The Information Technology Office is responsible for all technological devices and operating systems used to facilitate the work flow and work products maintained in each functional division.

Policy and Legislation

The Policy and Legislation Unit shapes policies and laws in the contexts of both criminal and civil law. The Unit handles and coordinates all legislative efforts before the Rhode Island General Assembly and serves as the Office's liaison to local, state and federal governments. Additionally, the Unit serves as the Attorney General's liaison to the National Association of Attorneys General on policy initiatives.

The Unit collaborates with various law enforcement and advocacy groups such as Mothers Against Drunk Driving, Students Against Dangerous Decisions and The Century Council to combat alcohol abuse, drunken driving and underage drinking in Rhode Island. The Unit works closely with the Rhode Island Police Chiefs' Association on legislation and policies that strengthen the protections afforded to the public in several areas. Further, the Unit provides consumers with an arbitration forum for alleged violations of the Rhode Island Lemon Law through the Motor Vehicle Arbitration Board.

Bureau of Criminal Identification

BCI maintains more than 1,117,181 individual criminal history records.

The Bureau of Criminal Identification (BCI) serves as the central repository and clearinghouse for all descriptive and demographic information on individuals arrested and convicted of crimes in Rhode Island. As such, BCI maintains over 1,117,181 individual criminal history records. These records are based on fingerprints containing identification segments obtained by local and state law enforcement agencies that are forwarded to the BCI office by mail or electronic transfer. Of vital concern to those relying on the records maintained by the BCI, is the quality of the data contained in the system. The completeness, timeliness, accuracy and readability of all records maintained must be, and is, the highest priority for BCI.

The Integrated Automated Fingerprint System (IAFIS) is used to transmit fingerprints from local and state police departments to the BCI's Rhode Island Criminal History (RICH) database, which, in turn, electronically transmits those fingerprints to the FBI, where they are checked against a national database of more than 50 million prints.

Ninety-nine percent of the police departments in Rhode Island electronically transmit those fingerprints directly through RICH, which is a tremendous resource to obtain proper identification and criminal history information in a timely manner.

According to a study by the FBI, Rhode Island's electronic criminal print submissions have a turnaround time of 1.23 days, with the national average being 13.77 days. The BCI Unit also reported that the electronic non-criminal, non-federal ten-print submissions have a turnaround time of 2.6 hours.

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Arrest Fingerprint Cards/Dispositions

The foundation of the criminal history system in the State of Rhode Island is the fingerprint card – the most dynamic means of positive identification readily available. RIGL §12-1-10 requires Rhode Island law enforcement to promptly furnish the Attorney General's Office with fingerprints and descriptions of all persons arrested, excluding those charged with violations of city or town ordinances or similar minor offenses. Today, fingerprint cards and arrest information are automatically submitted from the 55 Live Scan units in service in Rhode Island, covering 99% of the police departments, directly to the Rhode Island Criminal History Records database and the FBI.

BCI processes, on average, about 719 arrests per week that are populated into RICH records and updated in real-time.

BCI processes, on average, about 719 arrests per week that are populated into the RICH records and updated in real-time. Last year, 34,137 fingerprint cards were electronically and manually submitted from arrests, and 15,359 civil fingerprint cards were also processed to BCI by local and state law enforcement.

In order to maintain the complete and accurate tracking of all fingerprint cards received by electronic transfer, members of the BCI must continuously monitor the submitted transactions for quality control, verification, consolidation and submission rejections prior to submission to the FBI. Disposition information received from prosecutors at the Attorney General's Office is also entered into the system. Last year, 15,850 dispositions were entered into the Rhode Island Criminal History records.

Last year, 15,850 dispositions were entered into RICH.

Expungements

RIGL §12-1-12 directs that those authorized to collect identifiers of persons arrested shall destroy them within sixty days after the accused has been acquitted or otherwise exonerated. Further, chapter 12-1.3 of the R.I.G.L. calls for the expungement of criminal records when certain criteria have been met. As the central repository for criminal records, the BCI Unit must delete the record of arrest in those cases where the accused has been acquitted or exonerated. In cases of court-ordered expungements, the BCI Unit acts within sixty days of receipt of the order. In 2012, approximately 10,489 expungements were processed.

Expungements are received in the BCI Unit via the mail, or from defense attorneys or defendants who deliver the notice in person. Although the Unit has up to sixty days to complete the expungement procedure, BCI personnel generally complete the order within two weeks. BCI employees do recognize those instances where a person needs an expungement order done as quickly as possible; for example, employment requirements necessitate the prompt processing of expungements. In such cases, the order is given high priority and is carried out immediately.

Once an expungement order is received, the corresponding charge is removed from the petitioner's criminal history file. The Interstate Identification Index (III) is then accessed to determine if the charge is listed in the FBI's criminal history database. If the charge appears on the III database, a request is generated to the FBI requesting its removal. The expungement orders are filed and destroyed after one year.

Pistol and Revolver Permits

RIGL §11-47-18 empowers the Attorney General to issue a license or permit to state residents 21 years of age or older to carry a pistol or revolver, whether concealed or not, upon a proper showing of need. In assessing the need of an applicant to carry a pistol or revolver, the Office also considers the issuance of a restricted permit for specified purposes.

As of December 31, 2012, there were 3,403 active pistol permits in Rhode Island issued by the Office of Attorney General. During calendar year 2012, a total of 721 pistol and revolver permit applications were processed of which 275 were new applications and 446 were renewals. Seventy five percent of new applications were approved and ninety-eight percent of renewal applications were approved.

As of December 31, 2012 there were 3,403 active pistol permits in Rhode Island issued by the Office of Attorney General.

When a citizen wishes to purchase a firearm in the State of Rhode Island, they must first fill out an application and submit it to a Federal Firearms Licensee (FFL), or a firearms dealer. That application is then submitted to the federal National Instant Check Systems (NICS), maintained by the FBI, to determine if there is any disqualifying information that would prohibit an individual from purchasing a firearm. As part of this background check, the FBI may contact BCI to request a local record check for disqualifying information.

Under the state's firearms act, BCI collects the total number of applications received, as well as the number of applications determined to be approved or prohibited from purchasing a firearm. Last year, 17,525 legal gun purchases were made, while 137 were rejected.

Criminal Record Requests

The BCI Unit generated \$370,104 in background check fees, an increase of \$51,826 over the previous year.

One of the major functions of the BCI Unit is responding to those requesting criminal history checks. Due to increased security measures in both the private and public sectors, the need for employment background checks continues to rise. On average, personnel at the BCI window in Providence served more than 310 people each

day, Monday through Friday. In addition, BCI personnel responded to approximately 281,150 request received annually by mail, fax and telephone.

In 2012, the BCI Unit generated \$370,104 in paid background check fees, an increase of \$51,826 over the previous year.

Restraining Orders/No Contact Orders

Rhode Island law specifies that all domestic violence and sexual assault protective orders must be filed in the Restraining Order/No Contact Order (RONCO) system located within the Attorney General's BCI Unit. Orders generated by District, Superior and Family courts, police departments and bail commissioners must be filed upon issuance by faxing or delivering such orders to the BCI Office no later than the end of the day they were issued. Modifications and terminations of such orders must also be forwarded to BCI and entered by the end of each day. In 2012, BCI staff entered 914 temporary restraining orders/restraining orders and 5,832 no contact orders into the database.

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Warrants

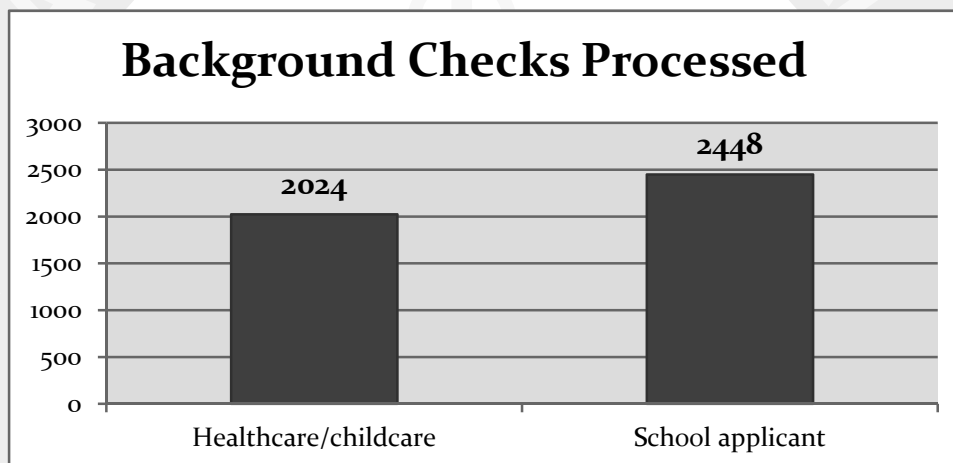
Since converting to a paperless warrant system, the courts and police departments enter their warrants into the Rhode Island Law Enforcement Telecommunications System (RILETS). Warrants for those wanted outside the State of Rhode Island (New England area or nationwide) must be entered and cancelled manually by BCI personnel. On occasion, local warrants must be upgraded as additional information is received on the wanted individual and the warrant is extended from "RI only" to New England or nationwide. During the course of the year, BCI was

also responsible for the arrest of 165 individuals who had an outstanding warrant and appeared in our office for BCI record checks.

Nationwide Licensing and Employment Background Checks

There are several Rhode Island statutes which mandate that individuals seeking employment or licensing in specified healthcare, childcare and education fields are subject to a nationwide criminal history background check.

Pursuant to the statutes, individuals seeking employment or licensing respond to their local or State law enforcement office, where they are fingerprinted. The fingerprint cards are then forwarded to the BCI Office, where they are logged by the submitting agency, checked for quality and forwarded to the FBI, where a national background check is completed and forwarded to the BCI and local law enforcement. During 2012, BCI personnel processed 2,024 health-care/childcare national background checks.



Rhode Island state law required that any person seeking employment with a private school or public school department undergo a national and State criminal background check. These individuals are to respond to BCI instead of their local law enforcement agency for the background check. In 2012, the Attorney General's BCI Unit processed approximately 2,448 school applicant background checks.

Latent AFIS Station

Latent finger/palm prints are those recovered from crime scenes either by photography, dusting powder or a chemical reaction that allows a finger/palm print to be viewed with the naked eye and compared for identification purposes.

Police departments throughout Rhode Island send in latent prints lifted from crime scenes which are then scanned into the database where an electronic search is conducted against the local and national criminal fingerprint database. Results of the search are then reported to the requesting police department. The BCI Unit provides latent fingerprint searching services to all Rhode Island law enforcement, as well as out-of-state law enforcement agencies, resulting in the

successful clearing of numerous criminal cases through latent fingerprint identifications. In 2012, BCI personnel processed 154 cases (275 latent fingerprints), resulting in 75 positive identifications (a 37.3% clearance rate).

AFIS personnel also assist police departments with implementing all transactions and identifying unknown subjects, such as deceased individuals and amnesia victims. In 2012, AFIS personnel took over 5,934 fingerprints for assorted reasons, such as out-of-state brokers, nursing licenses, alarm licenses, massage therapists, private security, lottery, child care and print cards. AFIS personnel have also fingerprinted a total of 34,137 criminal and 15,359 civil prints last year. AFIS personnel must verify criminal information daily.

AFIS personnel are also called upon by police departments for training and by the courts to fingerprint a defendant so as to identify them as the subject in questioning.

Security Guard Licensing

Under R.I.G.L. §5-5.1-13, the Attorney General is responsible for the licensing of the private security guard business. The obligation is set forth in the Rules and Regulations established pursuant to the Private Security Guard Act of 1987. Federal guidelines now require that all security guards be fingerprinted for a national background check. BCI is charged with ensuring that all security guard companies, their employees and management personnel comply with the Act. Presently, BCI has 77 active security guard licenses on file.

Precious Metals Unit Background & History

Precious metals licenses are reviewed and issued through the Precious Metals Unit. Complete national background checks are conducted on all precious metals and pawn shop agents, as well as their employees.

65,987 sales transaction slips containing 181,334 precious metal items were entered into the RIPPD.

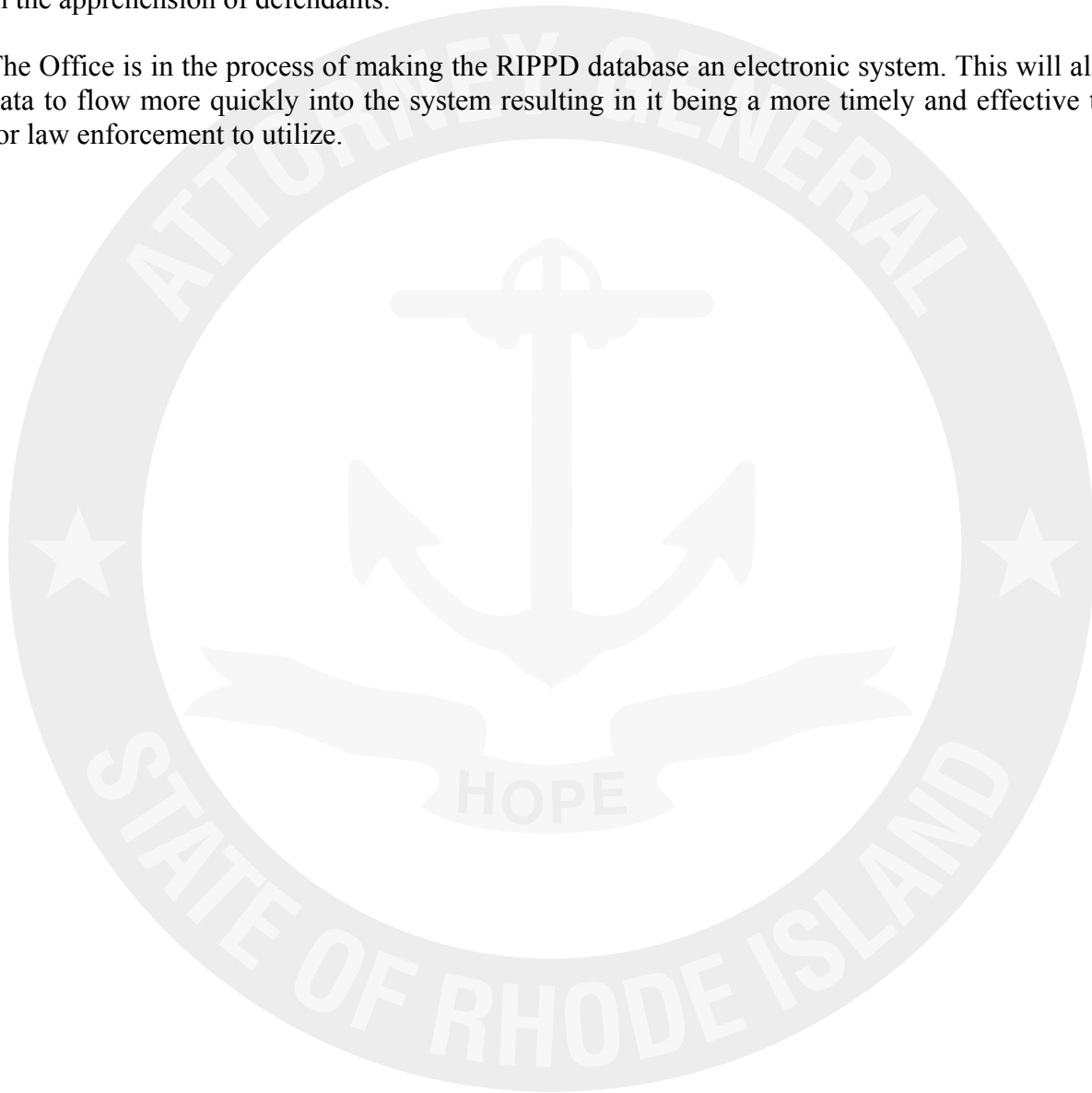
The Office of Attorney General maintains the Rhode Island Precious Metals and Pawn Database (RIPPD). The RIPPD captures information from sales and pawn transaction records that, by law, are to be sent to the Office of Attorney General by precious metals dealers and pawn shops. The Precious Metals Unit receives an average of more than 80 “sale transaction” slips daily that contain anywhere from one to 10 sold items on each slip. In addition to the sales transaction slips, the Unit receives over 275 “pawn transaction” slips daily. These pawn transaction slips also contain anywhere from one to 10 items for each transaction.

Last year, 65,987 sales transaction slips containing 181,334 precious metal items were entered into the RIPPD by BCI personnel. As of December 31, 2012, there were 1,077,536 precious metal items contained in the RIPPD. This RIPPD is a critical law enforcement tool that aids police in the recovery of stolen jewelry and other precious metals. At the present time, the database is being accessed by police officers representing all Rhode Island police departments, as well as Southeastern Massachusetts and Connecticut police departments and federal agencies. The growth of access continues to increase as more out-of-state police departments learn about

this valuable law enforcement tool that enables investigators to search by item description, date of transaction, dealers and sellers.

As a result of the information contained in the RIPPD database, defendants have been charged with a variety of felonies such as murder, burglary, arson, receiving stolen goods, breaking & entering, larceny, possession of burglary tools and larceny of a firearm. The descriptive information received from the database led police to the owners of the precious metals and aided in the apprehension of defendants.

The Office is in the process of making the RIPPD database an electronic system. This will allow data to flow more quickly into the system resulting in it being a more timely and effective tool for law enforcement to utilize.



Civil Division

By law, the Attorney General represents the State, its agencies and employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer and represents the interests of the people.

Government Litigation Unit

In 2012 the Unit opened 901 cases and closes 1,077 cases.

The Government Litigation Unit represents the State and its agencies in defending and prosecuting State, District, Superior and United States District Court litigation, and in appeals to state and federal appellate courts. It serves as legal advisor to a broad range of state departments, agencies, boards, commissions, officers and employees. In 2012 the Unit opened 901 cases and closed 1,077 cases.

Antitrust Unit

The Antitrust Unit investigates complaints alleging violations of state and federal antitrust laws within the State of Rhode Island. Due to the complexity of antitrust cases, as well as the large amount of anticipated discovery information, the Attorney General investigates many matters as a member of various multistate working groups.

The Rhode Island Antitrust Act gives the Attorney General the statutory authority to institute suit against persons, corporations and other legal entities that are in violation of state or federal antitrust laws.

During 2012, the Attorney General actively participated in litigation that included: In re: Dynamic Random Access Memory (DRAM) Antitrust Litigation, U.S.D.C. for the Northern District of California MDL 1986 and United States, et al. v. American Express Company, et al., U.S.D.C. for the Eastern District of New York, No. 10-CV-4496.

The Attorney General also participated in multistate investigations of possible antitrust violations in the pharmaceutical industry, the healthcare industry, the office information technology industry, the agricultural industry, matters involving the rights of indirect purchasers, industries that use vertical restraints, the credit rating industry and the gasoline industry. The Attorney General, in cooperation with other states and the Federal Trade Commission, also participated in investigations of proposed mergers in the pharmaceutical industry and the retail store industry.

The Attorney General participated in multistate investigations of issues brought to the attention of this Office through appeals to the United States Supreme Court by private parties. These cases have given the Attorney General the opportunity to participate in amicus briefs concerning antitrust issues important to the residents of the State of Rhode Island. One such amicus brief to the United States Supreme Court is the matter of FTC v. Watson Pharmaceuticals, Inc., et al.

(AndroGel). This appeal concerns agreements between the manufacturer of a brand-name drug on which the manufacturer asserts it holds a patent, and potential generic competitors who, in response to patent-infringement litigation brought against them by the manufacturer, defended on the grounds that their products would not infringe the patent and that the patent was invalid. The patent litigation culminated in a settlement through which the seller of the brand-name drug agreed to pay its would-be generic competitors tens of millions of dollars annually, and those competitors agreed not to sell competing generic drugs for a number of years. Federal competition law generally prohibits an incumbent firm from agreeing to pay a potential competitor to stay out of the market. The patent settlements containing that combination of terms are commonly known as “reverse payment” agreements. The Circuits have split on whether or not these settlements aid in creating a monopoly. The Attorney General has taken the position that these settlements do aid in creating such a monopoly.

Charitable Trust Unit

The Charitable Trust Unit enforces statutes concerning the administration, operation and disposition of Rhode Island charitable trusts.

The Attorney General has the statutory and common law duty to protect charitable assets within the State of Rhode Island. The Charitable Trust Unit enforces statutes concerning the administration, operation and disposition of Rhode Island charitable trusts. The Unit maintains a database of all registered charitable trusts that contains the financial information of each trust. The Unit also

responds to inquiries regarding charitable trusts from trustees, accountants, attorneys, charitable beneficiaries and the general public.

Consumer Protection Unit

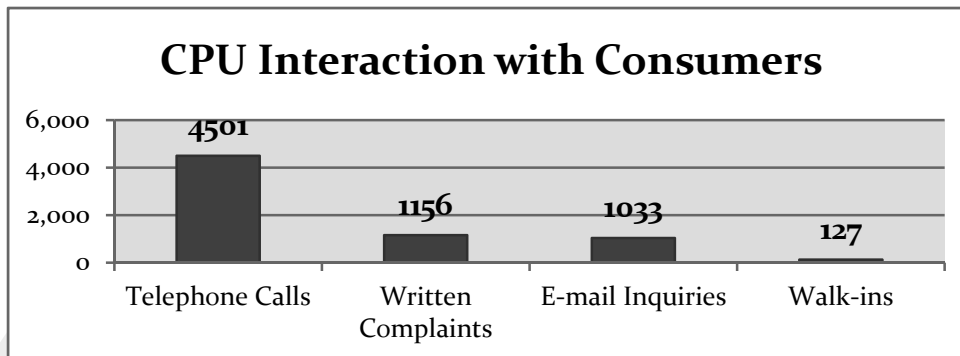
The Consumer Protection Unit investigates and mediates consumer complaints concerning unfair and unlawful business practices and misleading advertising arising out of alleged violations of the Deceptive Trade Practices Act. If groups of people are victimized by a deceptive trade practice, the Attorney General may file a Civil Investigative Demand in Superior Court commencing a formal investigation. In appropriate cases, a lawsuit to stop the illegal business practice may be initiated.

Apart from carrying out its statutory responsibilities, the Unit also provides information and referral services to the general public. Consumers are directed to the appropriate governmental or private agencies for help in answering specialized questions or resolving disputes that are not within the Unit's jurisdiction.

The Unit conducted approximately 155 outreach presentations to senior centers, community groups and organizations throughout Rhode Island in an effort to educate and protect consumers from scam artists.

In addition, nearly 20 consumer alerts and advisories were issued during 2012, covering such topics as mortgage modification scams, disaster relief scams, phishing scams, fake invoices, employment scams, consumer settlements and holiday shopping tips.

In 2012, the Unit responded to more than 4,501 telephone calls, 1,156 written complaints, 1,033 e-mail inquiries and 127 walk-ins. The Unit recovered \$854,423 on behalf of individual consumers. The Unit referred 503 consumer complaints to other agencies. The Unit also registered telemarketers resulting in \$3,500 and health clubs resulting in \$2,550 in fees for the state during 2012.



For a second year, the Office participated in National Consumer Protection Week, March 4-10, 2012. The Office partnered with Doc Shredding Corp. and provided seven free shredding events throughout Rhode Island in an attempt to provide a safe way for consumers to discard documents and avoid possible identity theft issues.

In August, the Office introduced the online consumer complaint form which allows consumers to type in their complaint and submit it directly to the Unit without having to print it out, fill it out and send it back to the Office.

Environmental Advocacy Unit

The Environmental Advocacy Unit's mission is to enhance public enjoyment of Rhode Island's environment.

The Environmental Advocacy Unit continued its community-based mission to enhance public enjoyment of Rhode Island's environment. In particular, Attorney General Kilmartin filed suit seeking to enforce the public's rights to enjoy a nearly two-mile section of the Misquamicut beach-front. The suit seeks to enjoin specific beach-front lot-owners from interfering with the public's right to use this dry sand area, alleging that this strand was dedicated by a recorded 1909 subdivision plan.

In a joint effort by the Office of Attorney General and the Coastal Resources Management Commission, the Attorney General secured a court order to remove, at the violator's expense, an illegal marina in Warren along the Kickemuit River.

The Attorney General also continued efforts to reduce greenhouse gases that cause global warming in a series of federal cases to limit emissions including upholding the Environmental Protection Agency's (EPA) ability to regulate greenhouse gases, and further upholding a series of EPA regulations limiting greenhouse gas.

The Environmental Advocacy Unit also secured \$240,000 in mitigation payments from a settlement for use as the State match for a \$1.2 million federal project to install a solar panel array on a RIPTA administration building in Providence.

Office of Health Care Advocate

The Office of Health Care Advocate advocates for Rhode Islanders through the following duties that the Attorney General may direct: to appear as an amicus curiae in civil actions, to intervene in or request initiation of administrative action related to health care and health insurance, to investigate complaints to assure the delivery of quality health care, to educate the public, to engage in legislative advocacy, to initiate formal legal actions concerning health care and to advocate for changes to support quality and affordable health care. Many patients, family members and providers turn to the Office of Health Care Advocate for assistance.

The Health Care Advocate is appointed to or attends several health care-related boards and committees, and reviews proposed regulations and legislation. The Health Care Advocate also assists consumers with various issues, including access to medical records, privacy questions and assistance with navigating the various agencies governing health care complaints.

The Office of the Health Care Advocate played a significant role in the Landmark Medical Center and Rehabilitation Hospital of Rhode Island Special Masterships, including attending numerous court appearances in order to protect the public interest. The Health Care Advocate currently leads the hospital conversion team with the Office that is reviewing the proposed hospital conversion of Landmark Medical Center and the Rehabilitation Hospital of Rhode Island. The Health Care Advocate is also involved in the recent Westerly Hospital Special Mastership pursuant to the newly enacted expedited review hospital conversion process.

Office of Civil Rights Advocate

The duties and responsibilities of the Civil Rights Advocate include: training and education, reviewing complaints, conducting investigations and bringing civil actions under Rhode Island General Law 42-9.3-1.

To file suit, the statute requires use of force or violence, property damage or the threat thereof, which interferes with Federal or State constitutional or statutory rights.

If such facts and circumstances are present, the Attorney General may bring a civil action in the name of the State on behalf of the person(s) aggrieved, seeking an injunction, monetary penalty up to \$5,000 and other appropriate relief.

The duties and responsibilities of the Civil Rights Advocate include: training and education, reviewing complaints, conducting investigations and bringing civil actions under the statute.

The Office continued its long-standing Hate Crimes and Civil Rights Training for Law Enforcement. Last year, 233 officers and recruits received training, including in-service training

for approximately 126 officers from statewide police departments and 107 recruits at the Municipal Police Academy and University and College Public Safety Academy.

The Office continues to work with the R.I. Commission on Prejudice & Bias to establish an education program for children in middle school and, eventually, high school. The long-range plan is to educate teachers, administrators and students on issues of hate crime and civil rights in schools with the goal to make schools safer and foster education, tolerance and civic responsibility.

Insurance Advocacy Unit

The Insurance Advocacy Unit's primary function is to represent, protect and advocate the rights of consumers at insurance rate hearings and in the insurance marketplace pursuant to R.I. Gen. Laws § 27-36-1. Many people turn to the Insurance Advocate to assist them with insurance-related issues, such as denials of payment for treatment, access to medical treatments and procedures under their policies of insurance and other rights under their various policies of insurance and Rhode Island laws.

The role of the Advocate in connection to rate increase requests for worker's compensation insurance providers and health insurance providers is to independently evaluate the validity of the rate increase requests, and when appropriate, recommend alternative rates to the regulatory agency.

During 2012, the Unit represented the rights of Rhode Island citizens in connection with two rate filings before the Department of Business Regulation (DBR) and the Office of Health Insurance Commissioner (OHIC), and reviewed 15 rate filings filed with OHIC.

The National Council on Compensation Insurance (NCCI) Loss Costs and Rating Values Filing submitted a request to increase overall base premium rates for workers compensation insurance by 6.4% effective July 2012. The Attorney General submitted alternative calculations to those filed by NCCI, seeking a decrease of 1.7%. After a review of the rates submitted by NCCI and the alternative calculations submitted by the Attorney General, the DBR approved a decrease of 5.2%, resulting in savings of approximately \$2.8 million in premium costs.

Blue Cross and Blue Shield of Rhode Island sought average rate increases of 4.9% for its Direct Pay subscribers, but then reduced its request to an average rate increase of 2.4%, while the Attorney General recommended a decrease of 5.1%. After a full public hearing, OHIC approved a decrease of 1.1%, resulting in savings of approximately \$5.6 million dollars in premium costs from the original filed rates.

The difference in rate increases for health and worker's comp insurance and that of the approved rates saved ratepayers approximately \$8.4 million in premium costs.

Open Government Unit

The Open Government Unit investigates complaints against public bodies in Rhode Island for violations of the Open Meetings Act (OMA) and/or the Access to Public Records Act (APRA). In 2012, the Unit investigated 78 open government complaints and issued 41 findings under the OMA and 34 findings under the APRA.

In 2012, the Unit investigated 78 open government complaints and issued 41 findings under the OMA and 34 findings under the APRA.

In total, the Unit determined that public bodies violated the OMA on 18 occasions and the APRA 19 times. In the majority of these cases, the Unit issued warnings to the public bodies. In three instances, the Unit filed suit seeking civil monetary penalties against the Manville Fire District, the West Warwick Town Council, and The Rhode Island Student Loan Authority.

The Unit continues to encourage open government through outreach and education. In July, the annual Open Government Summit drew nearly 600 attendees, a record attendance for this event. This proactive approach has positively impacted public bodies and citizens alike by encouraging open dialogue, which enables more government business to be performed in an open and public manner.

Public Utilities Regulatory Unit

The Public Utilities Regulatory Unit represents ratepayers and citizens of the State of Rhode Island in all matters affecting the provision of public utility services as defined by Title 39, Ch. 1-5 of the Rhode Island General Laws. Such services include municipal and investor-owned utilities that provide one or more of the following utility services to Rhode Island consumers: electric, gas, water, telephone, sewer and cable; as well as all common carriers: taxis, towers, movers and limousines operating in the state.

The primary vehicle for the Unit's practice is to serve as legal counsel to the Division of Public Utilities and Carriers (the "Division") in proceedings before the Public Utilities Commission. In this capacity, the Unit provides legal counsel to the Division with the principal aim of protecting ratepayers from public utilities' efforts to charge unreasonable rates or engage in unreasonable practices. The Unit represents the Division before all state and federal trial and appellate courts of competent jurisdiction.

In 2012, the Unit successfully litigated utility issues on behalf of the Division in the areas of gas, electric and municipal water, generating more than \$7.6 million in savings and fines to Rhode Island ratepayers and consumers. Proceedings successfully resolved include negotiating a settlement with the state's principal electric and gas utility in connection with the utility's infrastructure, safety and reliability plans saving ratepayers a total of \$3.3 million; the defense of multi

In 2012, the Unit successfully litigated utility issues on behalf of the Division in the areas of gas, electric, and municipal water, generating more than \$7.6 million in savings and fines to Rhode Island ratepayers and consumers.

-year rate increase requests by local municipal water utilities, saving ratepayers approximately \$1 million; and the review of a purchased power agreement producing savings for ratepayers of over \$2 million.

The Division also successfully obtained dismissal of a complaint at FERC challenging approval of a 15-year distributed generation standard contract as a violation of the Federal Power Act, and successfully defended an appeal of a Division Order approving an application for a Certificate of Public Convenience and Necessity thereby affording the public with a jitney service to meet an underserved transportation niche.

On the legislative front, the Unit assisted the Division in increasing fines for natural gas pipeline safety violations to conform Rhode Island law to federal law, *i.e.*, \$250,000 for each violation up to \$2.5 million for a related series of violations. Lastly, in proceedings before the Division, the Attorney General assisted the agency in collecting over \$180,000 in civil fines against taxi, ferry, movers and towing companies for a variety of regulatory violations.

Legal Counsel to the Contractors' Registration and Licensing Board

Attorney General Kilmartin's Office provides legal counsel to the Contractors' Registration and Licensing Board (CRLB). The CRLB regulates the construction industry through registration requirements and conducts administrative hearings for individuals aggrieved by residential contractors. As legal counsel to the Board, the Office enables residential homeowners to avail themselves of the dispute-resolution process at the CRLB in lieu of pursuing a private action in court.

The CRLB regulates the construction industry through registration requirements and conducts administrative hearings for individuals aggrieved by residential contractors.

When a contractor fails to pay restitution to a homeowner as ordered by the CRLB, the Office of Attorney General plays an active role in enforcing compliance to ensure that homeowners have some measure of recourse. Through a cooperative partnership between our department's Civil and Criminal Divisions, unscrupulous contractors can be criminally prosecuted in District Court. This process has a proven record of

restoring money owed to homeowners and of keeping bad contractors from repeating their offenses.

Last year, 53 contractors were referred to the Attorney General's Office for criminal prosecution. The final orders that these contractors failed to comply with added up to roughly \$439,000 in restitution and approximately \$675,000 in fines to the Board.

Additionally, in 2012, the CRLB Legal Counsel obtained temporary restraining orders requiring that unregistered contractors who continued to victimize homeowners were restrained from working in the trade; acted as liaison between homeowner-victims and the criminal court's probation system to ensure receipt of restitution and communication between parties; served as legal counsel during Board meetings, providing the Board with advice and answering questions that arose; handled administrative appeals filed in Superior Court.

Criminal Division

The Attorney General of the State of Rhode Island is charged with the responsibility of prosecuting all felony criminal offenses occurring in the State of Rhode Island, all misdemeanor criminal cases brought by State law enforcement agencies, and all misdemeanor cases appealed to the Superior Court.

The Criminal Division is comprised of 149.1 staff members, consisting of prosecutors, paralegals, secretaries, victim advocates, investigators and financial auditors. These individuals work together to assist the Attorney General in fulfilling his Constitutional obligations. Cases are prosecuted by attorneys assigned to the general criminal trial calendar and through specialized units focusing on white-collar crime, narcotics and organized crime, gangs, firearms offenses, juvenile offenders, domestic violence, sexual assault, child abuse, Medicaid fraud, elder abuse and traffic safety.

The Criminal Division works closely with local law enforcement, assigning Superior Court prosecutors to act as liaisons to each of the forty-four law enforcement agencies in the State in order to provide legal assistance, and with our federal partners making joint decisions on which office should assert jurisdiction where both state and federal charges are viable.

Prosecutors are available to law enforcement 24 hours a day, seven days a week to assist in serious matters or complex investigations. During the weekends and holidays, prosecutors rotate coverage to handle the presentation of violations of probation and bail. In 2012, prosecutors logged over 550 uncompensated hours in weekend duty alone, providing coverage for all areas of the State. In addition, prosecutors and support staff consistently worked beyond their 35-hour work-weeks, ensuring court calendars were completed, witnesses were interviewed and cases were well prepared for trial. Altogether, members of the criminal division logged in nearly 10,000 uncompensated hours in 2012.

The volume of cases handled by the prosecutors in the criminal division is staggering. Intake Unit prosecutors in Providence County reviewed cases for felony screening and grand jury presentations and negotiated case dispositions through the pre-arraignment calendar. Prosecutors assigned to the trial calendars and specialized units focused on trial preparation, handling cases from the pretrial stage through to disposition. A county prosecutor traveled to each of the county offices to handle felony screenings for Kent, Newport and Washington Counties, and Statewide Grand Jury presentations were handled by various prosecutors throughout the Division.

In 2012, the Providence Intake Unit reviewed a total of 4,722 packages, ensuring there was sufficient evidence to go forward in the Superior Court. The screening prosecutor reviewed 4,449 packages for information charging and in grand jury; prosecutors reviewed 273 packages for presentment to the Providence County grand jury. The county offices also screened over 1,200 felony packages for charging (485 in Kent, 443 in Washington and 284 in Newport County). Statewide, the Division proceeded to file Criminal Informations and Indictments with the Superior Courts in 5,012 felony cases. Prosecutors handled 95 new applications for Post Conviction Relief with decisions being reached in 344 pending matters. It is important to note that the courts dismissed hundreds of cases in January of 2012 where no action had been taken in over five years. The Division has continued to have one prosecutor who is assigned to the

Appellate Unit designated to handle post conviction matters, freeing up valuable resource time for trial prosecutors to concentrate on their criminal cases.

Prosecutors brought hundreds of financial crimes cases to disposition, with Court ordered restitutions totaling \$9.1 million.

Division prosecutors disposed of 4,831 felonies and 239 misdemeanors at the pretrial conference stage of the case. In total, there were 4,425 cases disposed by these plea negotiations, accounting for 87% of the disposed cases handled throughout the State. In 2012, Division prosecutors, with the assistance of the White Collar Crime Unit, brought hundreds of financial crimes cases to disposition, with Court ordered restitution totaling approximately \$9.1 million dollars. As of August of this year, over \$213,000 was paid up front to the victims at the time of disposition, with the remaining schedule of payments to be determined by the courts.

The year 2012 was an exciting year for the Criminal Division in terms of technology with the implementation of the Department's Case Management System (CMS). Funded in part with federal stimulus money, the system was designed and developed to allow for the more efficient management of cases, allowing administrators to track the caseloads of prosecutors, the length of pending cases, the turnover of prosecutor cases, disposition and dismissal rates, and to allow management to run reports with ease. The CMS also allows for the digital replication of criminal files, promoting more efficient record keeping, online access to files for permitted users, and a backup file system. Furthermore, the system enables prosecutors to easily cross reference defendants in criminal cases, witnesses in criminal cases and track gang activity.

The year 2012 also brought increased cooperation with and assistance to the courts. Recent trends in criminal prosecution require division participation on more than one specialized calendar. At the start of 2012, the Superior Court maintained a backlog of 58 sexual offender classification appeals which had been pending since 2007-2009. With the addition of Magistrate John Flynn to run the Sexual Violent Predator calendar, the Superior Court and the Criminal Division made a commitment to address the backlog of cases created in years prior due to the passing of Magistrate Gordon Smith. The court, working with prosecutors and scheduling additional court days, reduced the backlog to two cases.

In 2012, the Criminal Division continued its commitment to veterans. Since taking office, Attorney General Kilmartin has dedicated office resources to a specialized veteran's court calendar in Kent County District Court. The program, formally known as The Alternative to Sentencing and Trauma Recovery In Rhode Island - Focus on Veterans (ASTR RI), began referrals to the District Court in April of 2011. Since then, a prosecutor has been dedicated to this calendar and as of December 31, 2012, approximately 101 referrals have been made to the court, with all but 22 accepted. Forty-one offenders have successfully completed the program, with the remaining cases active within the system. The focus of the court is to provide wrap-around services to the offender, who suffered some service-related trauma which has likely contributed to the individual's involvement in the criminal justice system. Mental health, alcohol and drug addiction, homelessness and other issues related to an individual's military service are addressed in this court, with the goal of rehabilitation and diversion from incarceration or other criminal consequence.

The Criminal Division has also committed to Rhode Island Superior Court to assist in the development of the Domestic Violence Calendar administered by Justice Susan McGuirl. The Rhode Island Superior Court, at the direction of Presiding Justice Alice B. Gibney, created a domestic violence court to channel cases through the court and dispose of the cases in a more expeditious manner. Prosecutors from the Domestic Violence and Sexual Assault Unit appear weekly before Justice McGuirl to assist the court with statistics, scheduling and the management of the calendar. Each of the prosecutors within the Domestic Violence and Sexual Assault Unit maintain some of the highest caseloads within the Division; they frequently participate in training of police officers and sit on policy and training boards with criminal justice partners. Unit Chief Daniel Guglielmo and Criminal Division Chief Stacey Veroni have been asked by the Rhode Island Bar Association to partner with Justice McGuirl, the Family and District Courts and other criminal justice partners to present at the Bar Association's annual meeting in June 2013 on the topic of domestic violence prosecution.

Adult Diversion Unit

The Adult Diversion Unit was established in 1976 as an alternative to prosecution for first-time nonviolent felony offenders. It enables qualifying offenders to accept responsibility and be held accountable for their actions while avoiding the stigma of a criminal record. The program offers the opportunity for the offender to earn the dismissal of criminal charge(s) by participating in drug treatment and mental health programs, providing community service at nonprofit agencies and paying restitution to the victims of these crimes.

The Adult Diversion Unit collected \$159,000 in restitution and arranged 7,325 hours of community service at statewide nonprofit agencies.

In 2012, the Unit handled 542 referrals, accepted 302 cases and completed 249 cases. A significant accomplishment last year included \$159,121 in restitution collected and distributed to victims. The Adult Diversion Unit arranged 7,325 hours of community service at statewide nonprofit agencies for a total value of more than \$56,000, and also arranged 187 counseling programs for participants with substance abuse problems, mental health issues and gambling addiction.

Appellate Unit

The Appellate Unit filed with the Rhode Island Supreme Court 41 pre-briefing statements defending state-favorable judgments.

The Appellate Unit is charged with representing the State in all criminal matters before the Rhode Island Supreme Court, defending the State in federal courts and assisting prosecutors with legal research and analysis on a broad array of issues. In carrying out these responsibilities, the members of the Unit work

with great diligence and passion to persuade members of the Rhode Island Supreme Court and the members of the federal judiciary of the correctness of the State's causes. The Unit's attorneys work equally hard in assisting trial prosecutors with legal issues as they arise during the course of pre-trial and trial litigation, and assisting other attorneys in research and analysis on a variety of questions of concern.

In 2012, the Unit filed with the Rhode Island Supreme Court 41 pre-briefing statements defending State-favorable judgments (of conviction, denying post-conviction relief, of probation violence, etc.) entered in the lower courts (usually the Superior Court). The Unit further submitted to the Rhode Island Supreme Court 33 full briefs, defending State-favorable judgments entered in the lower courts.

The Unit additionally filed with the Rhode Island Supreme Court 20 responsive memoranda in opposition to some defendant-requested extraordinary action. As well, the Unit defended against 12 federal habeas corpus petitions brought in the United States District Court for the District of Rhode Island (*id.*), and submitted one brief in a federal habeas corpus case in the United States Court of Appeals for the First Circuit.

Attorney General Kilmartin dedicated an appellate attorney to manage all post-conviction relief actions challenging judgments of conviction entered by way of plea disposition as well as those resulting in a trial on behalf of the Office. In 2012, the Appellate Unit disposed of 37 post-conviction relief actions in the Superior Court. While not all of these post-conviction relief matters were disposed of by way of Superior Court denials, in every one of the cases justice was appropriately achieved, as no Superior Court post-conviction relief grant was entered over the objection of the criminal appeals/post-conviction relief unit prosecutor.

In addition to the extraordinary time dedicated to the written appeals, briefs, pre-briefs and post-conviction relief actions, the appellate attorneys regularly argue before the various courts, enjoying an excellent success rate. During the 2011-2012 term for the Rhode Island Supreme Court, all but two defendant-challenged judgments were reversed, representing a 96 percent success rate. Moreover, the Appellate Unit was entirely successful in fending off criminal-defendant requested extraordinary action and federal habeas corpus relief.

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Child Abuse Unit

The CAU oversees the prosecution and investigation of all Providence County 1st and 2nd degree child molestation and child abuse cases.

The Child Abuse Unit (CAU) was established in December 2011 and continues to maintain a significant caseload of challenging cases. The primary responsibility of the CAU is to prosecute sexual and physical abuse cases committed against our most vulnerable population, our children. Specifically, this Unit oversees the prosecution and investigation of all Providence County first and second degree child molestation cases and first and second degree child abuse cases, and consults on all County child abuse and child molestation cases.

The overall goals of the Unit are for specially trained and experienced prosecutors to handle cases from investigation through arrest and final prosecution in child sexual abuse and serious physical abuse cases, to minimize the time cases move through the criminal justice system, and to minimize the difficulty for a child involved in the criminal justice process.

The CAU uses a multidisciplinary approach to prosecuting child physical and sexual abuse cases. This includes working closely with Day One, Child Protection Program (CPP) at Hasbro Children's Hospital, DCYF and local police departments.

The CAU team has worked with DCYF and the CPP to help draft legislation to eventually move the jurisdiction of child cruelty and neglect cases from Family Court to Superior Court. Most of these cases involve children who have been severely injured by a caregiver and the non-offending parent does nothing to help the child. Prosecuting these offenders with cruelty and neglect charges ensures that they are held accountable.

The CAU has a very significant role in the operation of the Children's Advocacy Center at Day One in Providence, which provides forensic interviews and clinical services for children. CAU prosecutors are responsible for approving the employees hired to conduct forensic interviews and attend interviews for sexual and physical abuse cases. Prosecutors outside of the Unit handle these interviews only if a CAU prosecutor is unavailable and currently ALL child molestation cases are being assigned exclusively to the CAU. The CAU was present for and advised on the majority of the eighty child interviews at the Children's Advocacy Center: seventy for sexual abuse and ten for physical abuse. There are currently in excess of 100 cases pending among the prosecutors in the CAU.

Additionally, the CAU is working with probation and the courts to develop special conditions that will be included in the sentencing of child molestation cases. Currently, defendants with non contact offenses have more intense supervision than those convicted of child molestation.

District Court Unit

The District Court Unit in Providence County prosecutes a multitude of criminal matters brought forward in the 6th Division District Court and the Rhode Island Traffic Tribunal. Each day, District Court Unit prosecutors are responsible for conducting bail hearings on capital cases and enumerated drug delivery offenses, hearings to which any defendant who is held without bail is entitled, according to the Rhode Island General Laws and Article 1 Section 9 of the Rhode Island Constitution.

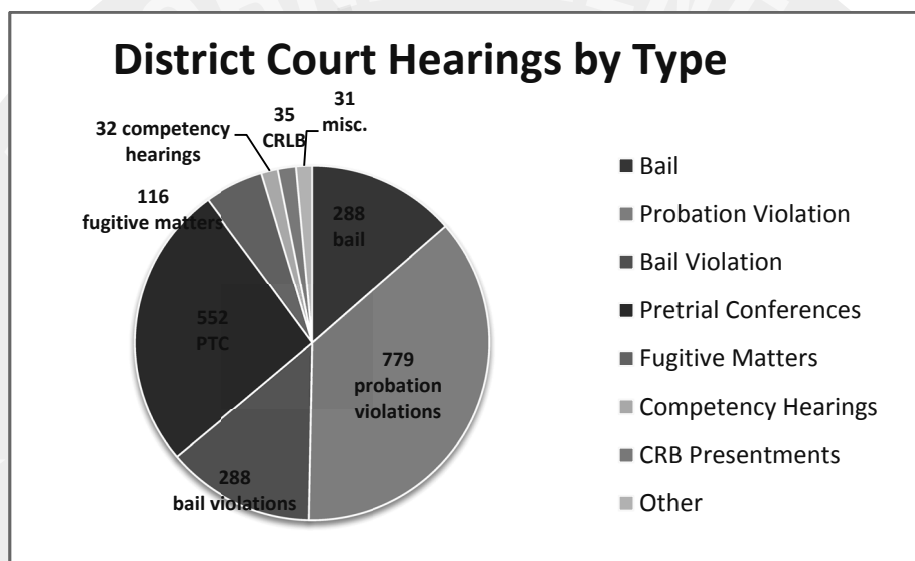
Statewide, there were a total of 5,525 matters handled by the District Court Unit: 4,195 at the District Court level and 1,330 matters at the Rhode Island Traffic Tribunal.

Unit prosecutors also regularly handle cases against defendants accused of violating the terms and conditions of either their bail on an existing case or of a pending sentence of probation or suspended time. Additionally, Unit prosecutors handle motions to expunge, motions to reduce and/or modify bail and bail conditions, motions to vacate no-contact orders, applications for post-conviction relief and waivers of information for certain felony offenses on a daily basis.

The Department of Attorney General has exclusive authority to prosecute every charge of breathalyzer refusal brought under Rhode Island General Law §31-27-2.1. The District Court Unit prosecutes all breathalyzer-refusal cases at the Rhode Island Traffic Tribunal.

In 2012, Unit attorneys made a total of 1,330 pretrial and trial appearances at the Rhode Island Traffic Tribunal, up from 1,107 in 2011. Further, Unit prosecutors handle any appeal of a Tribunal decision both before the Tribunal Appeals panel and subsequently before a Judge of the District Court.

The District Court Unit prosecutes pretrial and trial matters brought by various state law enforcement agencies throughout Rhode Island, primarily the Rhode Island State Police. In addition, Unit prosecutors handle all criminal cases referred by the state Contractors Registration and Licensing Board and from the Department of Labor and Training.



The District Courts traditionally are the busiest courts in the judicial system. In 2012, the Providence County District Court Unit chief and four attorneys handled 1,833 cases.

The Unit represented various state and local law enforcement agencies in 288 bail hearings, 779 probation violation hearings, 288 bail violation hearings, 552 pretrial conferences, 116 fugitive matters, 32 competency hearings, 35 Contractors Registration & Licensing Board (CRLB) presentments and an additional 31 matters.

District Court prosecutors assigned to each of the County offices also heard matters before the District Court: in the 2nd Division District Court, a Newport County prosecutor handled 349 matters; in Kent County, in the 3rd Division, prosecutors handled 1,460 matters; and in the 4th Division at Washington County, District Court prosecutors handled 553 matters, including bail hearings, probation and bail violation hearings, pretrial conferences and trials.

Statewide, in 2012, there were a total of 5,525 matters handled by the District Court Unit: 4,195 at the District Court level and 1,330 matters at the Rhode Island Traffic Tribunal.

Domestic Violence and Sexual Assault Unit

In 2012, the Domestic Violence/Sexual Assault Unit (DV/SA) continued its efforts to address crimes of violence committed among family and household members throughout the State of Rhode Island. The Unit worked to achieve its primary goals of ensuring victim safety and offender accountability. In addition to handling felony trials and misdemeanor appeals in Superior Court, DV/SA prosecutors handle bail hearings, violation hearings and motions to reduce or set bail. Unit prosecutors also regularly argue against victims' motions to vacate no contact orders (NCOs) against offenders.

DV/SA prosecutors also coordinate, along with participating police departments and the Sexual Assault and Trauma Resource Center, the interviews of adult women and men who are victims of sexual assault. Additionally, they conduct training sessions for law enforcement officers at local police departments and police academies, as well as for city and town solicitors statewide to focus on proving cases without the participation of reluctant victims, thereby lowering the number of DV cases dismissed at the District Court level.

DV/SA prosecutors conducted trainings through the RI Coalition Against Domestic Violence on investigating and prosecuting domestic and sexual assaults and investigating and collecting evidence in domestic violence cases.

In 2012, trainings were conducted through the RI Coalition Against Domestic Violence on investigating and prosecuting domestic and sexual assaults and investigating and collecting evidence in domestic violence cases, especially when the victim is uncooperative. DV/SA prosecutors continue to participate in the training of emergency room personnel at local hospitals on the taking of rape kit samples for victims of sexual assault.

In 2011, DV/SA prosecutors continued to work closely with the Courts in an effort to make the Domestic Violence Court a success and improve the process for victims by making DV a priority, ensuring that these cases get handled efficiently.

In the past year, a total of 75 cases within the Unit were reached for trial in Superior Court.

In the past year, a total of 75 cases assigned within the Unit were reached for trial in Superior Court, the majority of which were settled through the plea negotiations, with 19 cases proceeding to trial.

Elder Abuse Unit

The primary responsibility of the Elder Abuse Unit is investigative management and prosecution of crimes involving elderly victims of abuse, neglect and financial exploitation. The Unit was created several years ago in recognition of the fact that the proportion of Rhode Island's population that is sixty years of age and older is dramatically increasing and will continue to do so in the coming years. Coupled with the fact that this age group is the State's fastest growing demographic is that crimes against senior citizens often go unreported, presenting high temptation and low risk factors to potential offenders. The special needs often presented by elder victims and the fact that elder abuse, neglect and exploitation crosses all racial, socio-economic, gender and geographic lines made the need for a special unit apparent.

Successful criminal prosecutions resulted in jail time for many defendants, as well as court-ordered restitution of more than \$118,000.00 for senior victims.

The Office of Elder Justice Advocate, also known as the Elder Abuse Unit, had a very successful year on behalf of elderly victims in 2012. The Unit continued to work with and advise law enforcement agencies across the State in elder abuse investigations, leading to over 120 felony criminal cases involving elderly victims being opened in the Rhode Island Superior Court. More than

200 additional investigations and complaints were handled by the Elder Abuse Unit. Successful criminal prosecutions resulted in jail time for many defendants, as well as court-ordered restitution of more than \$118,000 for senior victims.

Juvenile Prosecution Unit

The Juvenile Prosecution Unit prosecutes all juveniles charged with offenses which would be punishable as felonies if committed by an adult. In addition, the Unit also prosecutes all juveniles who are charged by the Rhode Island State Police, State Fire Marshall and the Department of Environmental Management. The Unit is responsible for the prosecution of all juveniles who are charged with violations of probation, as well as the prosecution of adults who commit child neglect and exploitation of a minor.

This past year proved to be another busy year for the Juvenile Prosecution Unit. The Unit received 1,285 new petitions charging juveniles with criminal offenses. This represents 850 new delinquency charges and 745 wayward charges. Also, during 2012, the Unit prosecuted 686 new juvenile offenders, an increase of more than 225 from the previous year. A new juvenile offender is a juvenile not previously prosecuted by the Unit. This number does not include juveniles that the Unit prosecuted in past years or juveniles who re-offend during the current year.

The Unit received 1,285 new petitions charging juveniles with criminal offenses, representing 850 new delinquency charges and 45 wayward charges.

Rhode Island General Law allows the Office of Attorney General to seek to waive a juvenile out of the Family Court system to be tried as an adult in Superior Court. In 2012, the Juvenile Unit filed five Mandatory Waiver Motions, 19 Discretionary Waiver Motions, and 11 Certification Motions. Five of the Certification Motions were withdrawn and the juveniles pleaded to Rhode Island Training School sentences; two Certification Motions were denied and the juvenile pleaded to Rhode Island Training School sentences; two Discretionary Motions were withdrawn and the juveniles pleaded; two Discretionary Motions were amended to Certification Motions; one Mandatory Waiver Motion was amended and the juvenile pleaded to Training School time; one Mandatory Waiver motion was amended and the juvenile was certified; eight juveniles voluntarily waived; three Discretionary Waiver motions were granted; four juveniles were waived after hearing; six waiver motions and one certification motion are pending.

The Unit sought and received to have two juveniles – Quandell Husband and Russell Burrell – waived out of Family Court to be tried as adults for their roles in a triple homicide in Providence in July 2012. Two other individuals – both adults – have also been indicted for their roles in the July 30, 2012 murders of Shemeeka Barrows, Michael Martin, and Damien Colon.

In 2012, the Unit prosecuted 81 juveniles for school violence cases, not including the wayward offenses handled by municipalities. The range of offenses that occurred on school property included assault, breaking and entering, drug offenses, possession of weapons and bomb threats.

Last year, the Unit prosecuted 35 juveniles in Family Court for firearm cases. These included seven BB guns, one pellet gun, one stun gun, two shot guns and 26 firearms, of which nine were handgun/pistols.

207 juveniles were admitted to the Juvenile Drug Court and Drug Court Diversion Program.

The Unit participates in the Juvenile Drug Court, which aggressively addresses substance abuse and associative behaviors, which if not addressed could lead to further contact with the courts. Last year, 207 juveniles were admitted to the Juvenile Drug Court and Drug Court

Diversion Program, of which 153 graduated from the program while 41 were terminated or discharged for violating the rules of the program.

The Juvenile Prosecution Unit is also responsible for covering cases heard in the Re-Entry Court, which is a specialized court that monitors and reviews juveniles recently released from the Rhode Island Training School.

Prosecutors also conduct emergency arraignment, wherein a juvenile has been detained overnight at the Rhode Island Training School with the approval of a Family Court Judge. There were 289 emergency arraignments in 2012.

The Unit continues to be actively involved in the Juvenile Detention Alternative Initiative Project. The initiative works towards reducing reliance on secure confinement without sacrificing public safety. One of the goals is to shift spending from detention to community-based detention alternatives.

In 2011, the General Assembly allowed for electronic monitoring of juveniles as a detention alternative. The program was activated in February 2012. Since then, Juvenile Probation began monitoring an average of 20 to 30 juveniles on the electronic monitoring system at any given time.

With the elevation of Special Assistant Attorney General James Baum, who previously headed up the Office's Community Prosecution Unit, as chief of the Juvenile Unit, there was an increased effort to combat and prosecute gang-related activity and violence, particularly in urban settings. In 2012, the Office continued to partner with state and federal law enforcement to target and infiltrate specific gangs to disrupt their criminal enterprises.

The cooperative relationship with state and federal law enforcement partners allows rapid sharing of information related to gang activity. In 2012, after a nearly two-year investigation by the Rhode Island Safe Streets Task Force and the Office of Attorney General, several known MS-13 members and associates, including Francisco Bonilla, the known leader of the local MS-13 gang, were arrested and subsequently prosecuted.

Kent County Office

The Kent County Office is located within the Philip Noel Judicial Complex in Warwick and is comprised of six attorneys, six support staff and a victim witness liaison.

The scope of the duties of the Kent County Office include, but are not limited to, all bail hearings, probation violation hearings, pre-trial conferences, various pre-trial motions and ultimately trial for all felony matters brought before the Court .

The Kent County Office disposed of 747 felony cases, of which 88.9% were disposed of by way of plea agreement.

In 2012, the Kent County Office disposed of 747 felony cases, of which 88.9 percent were disposed of by way of plea agreement with only 70 cases, or 9.4 percent being dismissed pursuant to Rule 48(a). In addition, the Kent County Office handled 738 probation violators, as well as a myriad of miscellaneous matters, including grand jury presentations, post-conviction relief applications and motions for expungement, among others.

In addition to these matters in Superior Court, the Kent County Office also handles all matters in the 3rd Division District Court in which the Rhode Island State Police are the prosecuting agency, as well as all probation violation and bail hearings that come before that court. In 2012, Kent County prosecutors disposed of 1,310 cases, an increase of more than 200 cases over the previous year, and handled approximately 895 probation violations, an increase of more than 100 over the last year.

In 2012, of the 781 cases referred for felony screening, 161 cases were disposed of when the defendants declined to contest the charges and agreed to waive the formality of the information screening process. An additional 427 cases were charged by way of criminal information, while 31 cases were referred for grand jury presentation.

The Kent County Court also houses the pilot program in District Court to provide alternative sentencing options to military veterans. The Alternatives to Sentencing and Trauma Recovery in Rhode Island program is a jail diversion program that is funded through a grant with the Kent Center and the Department of Behavioral Health, Developmental Disabilities and Hospitals. The program is intended to provide treatment options that will result in a reduction of charges and/or alternative sentencing, thereby diverting offenders from incarceration.

Medicaid Fraud & Patient Abuse Unit

The Medicaid Fraud Control and Patient Abuse Unit enforces the laws pertaining to fraud in the state Medicaid program and prosecutes cases of abuse, neglect or mistreatment of patients in all state healthcare facilities. The Unit prosecutes criminal activity, pursues civil remedies where

appropriate and participates with federal and state authorities in a variety of inter-agency investigations and administrative proceedings. Unit prosecutors, auditors, investigators and health care professionals employ a multi-disciplinary approach to combat health care fraud and patient abuse.

In 2012, the Unit focused on fraud in the home health care industry, utilizing new investigative measures to bring individuals who fraudulently bill the state's Medicaid program for services not rendered. The Unit also created an online, anonymous Medicaid fraud complaint form, allowing individuals to file complaints directly to the Office of Attorney General for investigation and prosecution when appropriate.

In 2012, the Unit returned \$9.9 million to the state's Medicaid program in settlement agreements with pharmaceutical companies.

In addition to investigation and prosecution, staff conducted 44 in-service trainings at nursing facilities on how to identify and report abuse, neglect and mistreatment, as well as drug diversion and Medicaid overbilling. These trainings enable the Unit to develop a positive working relationship with nursing facilities

and to convey the message that it is critical to report incidents of Medicaid fraud and patient abuse for the financial health of the system and the safety of patients.

The Unit works closely with federal and state authorities to investigate pharmaceutical companies who overbill and defraud the state's Medicaid program. In 2012, the Unit returned \$9.9 million to the state's Medicaid program in settlement agreements with pharmaceutical companies, including \$4.6 million to Rhode Island as part of the single largest healthcare fraud settlement in U.S. history with GlaxoSmithKline to resolve allegations that the company engaged in various illegal schemes related to the marketing and pricing of drugs it manufactures.

In addition, Attorney General Kilmartin announced several multi-million dollar settlements with pharmaceutical companies for similar bad practices, including \$1.87 million settlement with Maxim Healthcare and a \$2.67 million settlement with Abbott Laboratories to reimburse the state's Medicaid program for the company's illegal off-label marketing of its drug Depakote.

Narcotics & Organized Crime Unit

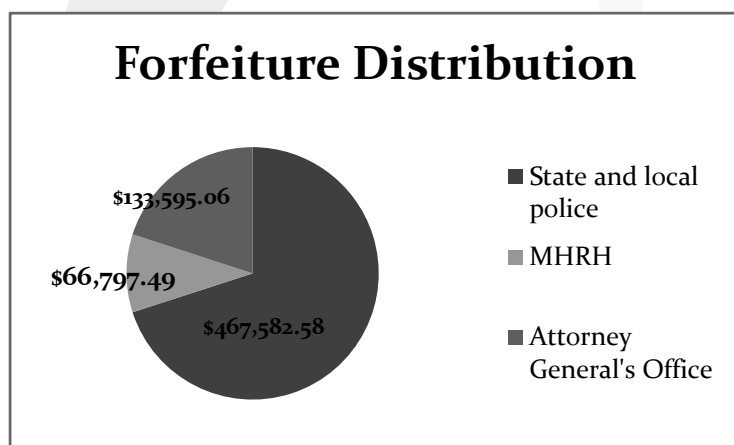
In 2012, the Narcotics and Organized Crime Unit (NOCU) continued in its three primary areas of responsibility: to investigate, manage, and prosecute all criminal cases involving narcotics and organized crime offenses, handling all aspects of asset forfeiture and representing the State of Rhode Island in the Providence County Adult Drug Court.

In the area of narcotics prosecution, the members of the Unit are responsible for representing the state in a variety of court proceedings, including trials, pre-trials, violation hearings and bail hearings. Unit prosecutors also are responsible for drafting and editing documents related to the electronic surveillance of targeted offenders, the management and oversight of electronic surveillance investigations, providing legal advice and assistance to police departments, working with law enforcement on investigating narcotics-related activity and presenting narcotics-related investigations to county and statewide grand juries. In 2012, the Unit opened approximately 101 cases each month and disposed of an average of 156 cases per month.

In addition to prosecuting all organized crime-related cases before trial juries, the Unit works closely with the police on both traditional and nontraditional organized crime-related cases. The Unit provides document support and case management on electronic surveillance cases involving alleged organized crime figures and works with police and other members of the criminal justice system to develop cooperating witnesses and confidential informants.

The attorneys assigned to NOCU also prosecute a variety of other criminal offenses. Due to the close relationship between the prosecution of narcotics-related offenses and the use of firearms, the Unit is responsible for prosecuting most of the cases on the Providence Superior Court's Gun Calendar. Additionally, a member of the Unit is responsible for the coordination of firearms prosecution between state and federal authorities, communicating on a daily basis with the U.S. Attorney's Office to review all firearms cases and to determine which jurisdiction is most appropriate to bring charges.

In 2012, NOCU continued to represent the state before the Providence Superior Court's Adult Drug Court, a special court that handles cases involving offenders who are addicted to drugs. The court seeks to help such offenders through an extensive supervision and treatment program.



NOCU is also responsible for processing all narcotics, gambling and racketeering-related asset forfeitures. Proceeds from the sale of forfeited assets represent an important source of ongoing drug and crime suppression efforts of the state and local police. In 2012, the Unit processed \$2,097,337 in total cash and property seized, and \$1,925,355 in cash and property forfeited, with \$1.2 million being in property and \$667,975 in cash, which was

distributed to state and local police law enforcement agencies and the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals.

Newport County

Located in the historic Florence Murray Judicial Complex, the Newport County office is responsible for all county-wide felony prosecutions from the following police departments: Newport, Jamestown, Portsmouth, Middletown, Tiverton, Little Compton, State Police-Portsmouth and Department of Environmental Management.

In 2012, the Newport County office disposed of more than 352 cases in Superior Court and closed out 191 violation matters, as compared to 326 and 241 respectively in 2011, with 280 disposed of by plea agreements and 27 filed and dismissed pursuant to Rule 48(a). Five cases went to trial, resulting in two convictions, one plea and two not guilty verdicts.

The Newport County District Court held 30 bail hearings, 268 violation hearings and 14 trials combined with violation of probation and/or bail matters.

The Newport County District Court calendar continued to be busy throughout 2012, with 30 bail hearings, 268 violation hearings and 14 trials combined with violation of probation and/or bail matters. An essential element in the smooth and efficient operation of a county office is the ability to effectively waive criminal information, thus reducing the amount of cases submitted to screening and added to the criminal calendar. In 2012, prosecutors charged 227 cases through information and waived 80 prior to screening.

Traffic Safety Resource Prosecutor

Federally funded, the Traffic Safety Resource Prosecutor (TSRP) oversees the prosecution of all alcohol-related driving accidents, law enforcement training and community outreach for motor vehicle safety issues, including underage drinking and texting while driving. The TSRP also assists the Department of Transportation (RIDOT) with highway safety public policy and education initiatives.

The TSRP is involved in all stages of the prosecution of motor vehicle crash cases, with the goal of the program to have early involvement and provide assistance to law enforcement at the time of the crash. In this capacity, the Office of the Attorney General provides a great resource for police departments in their initial decision-making process and in obtaining warrants for evidence in criminal cases. If the offense rises to the level of criminal negligence, the TSRP prosecutes the cases for the Office of Attorney General. Last year, the TSRP charged approximately 100 cases involving motor vehicle accidents and fatalities.

In 2012, the TSRP developed and presented a motor-vehicle related training programs for law enforcement officers and city town solicitors.

In 2012, the TRSP developed and presented nine motor vehicle-related training programs for law enforcement officers and city and town solicitors. Topics of the presentations included racial

The Zero Fatalities Program is an underage drinking program held prior to prom and graduation season. High school juniors and seniors are brought to the prison to see firsthand the dangers of reckless conduct and drinking and driving. In 2012, more than 1,000 students participated in the program.

profiling and the motor vehicle stop, courtroom preparation, DWI and search and seizure, medical records in the prosecution of DWI cases, prosecution of the observation case and how to obtain a warrant in a DWI death resulting cases, among others. This past year, the TRSP helped establish the RI Crash Investigators Association, which meets regularly to discuss the legal issues in crash reconstruction cases.

The TRSP also supported the Zero Fatalities Program (ZFP) with the RIDOT, Department of Corrections, Mothers Against Drunk Driving and the Rhode Island Family Court. The ZFP is an underage drinking program held prior to prom and graduation season, where high school juniors and seniors are brought to the prison to see firsthand the dangers of reckless conduct and drinking and driving. Students hear from young inmates serving long jail sentences for DWI death resulting cases and hear from the

parents of young victims killed in DWI crashes. In 2012, more than 1,000 students and faculty attended the program.

In addition, the Attorney General partnered with RIDOT and local police departments to sponsor a seat belt awareness program across the state. Variable message signs were placed at more than 20 high school football games and many schools held school-wide assemblies to discuss the important life-saving role of seat belt use. In addition, the Rhode Island State Police rollover simulator was used at several events at area high schools to drive home the point that seat belts saves lives. The TRSP also actively participated in the Attorney General “It Can Wait,” anti-texting while driving campaign.

Veterans Court

The Alternative to Sentencing and Trauma Recovery in Rhode Island – Focus on Veterans (ASTR RI) is a jail diversion program that was piloted in the Kent County District Court. Commonly referred to as the “Veterans Court” – the program is designed to direct defendants with who have experienced military trauma resulting in related disorders, into a court program which integrates a support and treatment plan into the judicial process.

Since the Veterans Court’s inception, 101 referrals had been made to the program.

Veterans Court provides treatment options that result in potential jail diversion, true possible reduction of charges or other alternatives in sentencing. It is designed to divert veterans whose military-related trauma has led them to troubles with law away from incarceration and, where appropriate, into rehabilitative alternatives.

Since the Court’s inception in April 2011 through December, 2012, approximately 101 referrals had been made to the program. The screening process led 22 of those cases to be determined inappropriate for a myriad of reasons; 41 cases were completed successfully, with the remaining cases active in the program.

While the program has enjoyed many success stories, the tale of a young veteran of Operation Iraqi Freedom represents the worthwhile nature of the Veterans Court. A cavalry scout with the United States Army, the young soldier endured a difficult 18-month infantry tour. Upon his return, he was diagnosed with Post-Traumatic Stress Disorder and began to cope by abusing alcohol. Soon after, his drinking leading to an alcohol-related arrest in early 2012.

Upon referral to the Veterans Court, the soldier engaged in treatment with fellow veterans and immediately began to improve. One year later, he works full-time as an apprentice electrician while attending college part-time. All involved in the program agree that he is on the way to a successful future.

In September, the Office has also participated, along with the Court, in the Operation Stand Down annual weekend outreach event held at Diamond Hill State Park in Cumberland. The annual event organized by Operation Stand Down Rhode Island brings together a number of services for veterans in Rhode Island. Participants include the Veterans Administration, Department of Labor and Training, Rhode Island Housing and other organizations providing

medical mental health, dental, legal and substance abuse referrals. A prosecutor, participating with the courts and the public defender, was available to assist in handling the rescheduling of criminal matters for those who may have warranted, and to dispose of pending matters if appropriate.

Victim Services Unit

The Victim Services Unit provides an array of services to felony crime victims and their families. Advocates are assigned to victims and their families to provide guidance and support through the criminal justice process - informing them of their rights, notifying them of the status of the offender's case, providing personal assistance at court appearances and helping them better understand and participate in the legal process. In addition, the Unit provides referrals to other victim-service provider agencies and support groups that can further assist victims with financial, legal, medical and emotional problems resulting from the crime. Unit advocates also assist prosecutors with all victim-related matters.

In performing these services, the staff works closely with highly traumatized victims and families in homicide, driving death, child molestation, sexual assault, human trafficking and domestic violence cases as well as other felony cases – answering questions, overcoming fears, explaining court procedures, notifying victims of the status of the offender's case, sharing concerns, addressing safety issues, assessing overall needs and accompanying victims to court proceedings.

Advocates are assigned to assist victims and their families through the various stages of the criminal justice process – bail hearing, pre-arraignment/arraignment, violation hearing, grand jury, pretrial, trial, appellate and post-conviction process. The Unit also collaborates with other agencies - RI Department of Probation and Parole, RI Parole Board, Superior Court Restitution Unit and RI Department of Corrections Office of Victim Services - in an effort to provide a seamless transition for victims at the conclusion of the Superior Court process.

The Unit has an “on call” system for advocates to work with police departments and prosecutors on homicide cases, with the goal of establishing contact with the victim's family within 24 hours. Two advocates are on call at all times. Information on victim compensation (including application for emergency funeral and burial expenses), support services and case status are made available to each family. “On-call” prosecutors also have an advocate available to them during the weekend.

The team provides services to Spanish-speaking victims in their native language with forms, brochures and letters and also provides outreach to area schools, senior centers and community centers.

In 2012, the Victim Services Unit handled approximately 6,000 cases, up from 5,500 last year, and generated more than 20,000 status notices to victims. In providing personal support, advocates accompanied victims to more than 1,800 court proceedings — such as bail hearings, violation hearings, pretrial conferences, trials and

In 2012, the Victim Services Unit handled approximately 6,000 cases and generated more than 20,000 status notices to victims.

Supreme Court arguments, as well as interviews with prosecutors. More than 2,000 referrals were made to other agencies for further assistance, and more than 4,000 telephone contacts were made on victim-related matters. The Unit also provided 100 letters of notification to victims relating to the Rhode Island Supreme Court appeal process.

In 2012, the Unit referred 400 victims to the RI Victim Assistance Portal (RI-VAP). The Unit continues to work closely with the developers of the RI-VAP to make necessary enhancements to ensure that victims are able to access information about their offender's cases in "real time." RI-VAP is a secure web portal that serves victims of crime in Rhode Island (or approved guardians/significant others) with a broad range of information relevant to their offender's case. The information includes court events, incarceration status and status of court-ordered restitution on misdemeanor cases. The Victim Services Team and RI Justice Assistance are the portal's administrators. Approximately 100 victims and advocates were registered and approved in 2012.

In the summer of 2012, Ana Giron, the Victim Services Unit Director, provided instruction on "victim services in the criminal justice system" as part of the curriculum for the Rhode Island State Victim Assistance Academy. In the Fall of 2012, the Unit hosted a training with the New Hampshire Attorney General's Victim Services Unit on homicide response and working with homicide survivors.

In 2012, team members also continued to receive specialized training on issues related to domestic violence, child molestation/sexual assault, elder abuse, human trafficking, victims with disabilities and mainstreaming services to LGBTQ (lesbian, gay, bi-sexual, transgender and questioning) in an effort to better serve Rhode Island's diverse victim populations. In an effort to provide outreach to the community, the advocates participated in the "Back to School Celebration" along with members of the Consumer Protection Unit at the Nathaniel Green Middle School in Providence this past summer. Handouts and resource materials were made available to parents and other community members.

Ana Giron serves as Board President for the Rhode Island Coalition Against Domestic Violence and serves on the Crime Victim Service Providers Steering Committee, which plans and sponsors events for National Victims Rights Awareness Week, including the annual Victims Grove Ceremony. In addition, Ms. Giron is part of the Steering Committee for the RI State Victim Assistance Academy and collaborates on the Victim/Offender Dialogue Committee/RI Department of Probation and Parole.

Washington County

Located within the J. Howard McGrath Judicial Complex in Wakefield, R.I., the Washington County Office is responsible for all countywide felony prosecutions from the following police departments: North Kingstown, South Kingstown, Narragansett, Charlestown, Richmond, Hopkinton, Westerly, New Shoreham, University of Rhode Island, the Department of Environmental Management and Rhode Island State Police cases originating from the Wickford and Hope Valley Barracks.

2012 was a productive one in Washington County with more than 412 pending cases disposed of in Superior Court, representing a significant increase over the previous year, and 562 cases disposed of in District Court. An essential element in the smooth and efficient operation of a county office is the ability to effectively waive criminal informations, thus reducing the amount of cases submitted to screening and added to the criminal calendar. In 2012 prosecutors were able to waive 57 cases from the District Court to dispositions in the Superior Court.

The Washington County Office continued to focus on moving all capital offenses and investigations through the grand jury. In 2012, nine cases were presented to the Washington County Grand Jury resulting in nine true bills and zero no true bills.

White Collar Crime Unit

The past year's continuing economic difficulties provided a steady stream of unscrupulous people willing to steal to support a financially over-extended lifestyle, satiate a gambling addiction, or simply to pay ordinary living expenses. The White Collar Crime Unit prosecutes crimes of sophistication and deception. The subjects of investigation were as diverse and varied as the schemes they devised to acquire their ill-gotten gains. Investment advisers, lawyers and doctors, public employees, bookkeepers, and general scam-artists all fell under the Unit's scrutiny for crimes committed with pens, calculators and computers.

The caseload of the prosecutors assigned to the White Collar Crime Unit for charged cases currently pending in Superior Court ranges, on average, anywhere between 40 and 60 cases. Not reflected in that figure, however, are the many active, complicated financial crime or other investigations being handled by the Unit's prosecutors which often take months or even years to guide to successful charging and prosecution.

The Unit's efforts resulted in
\$9,118,760 in restitution.

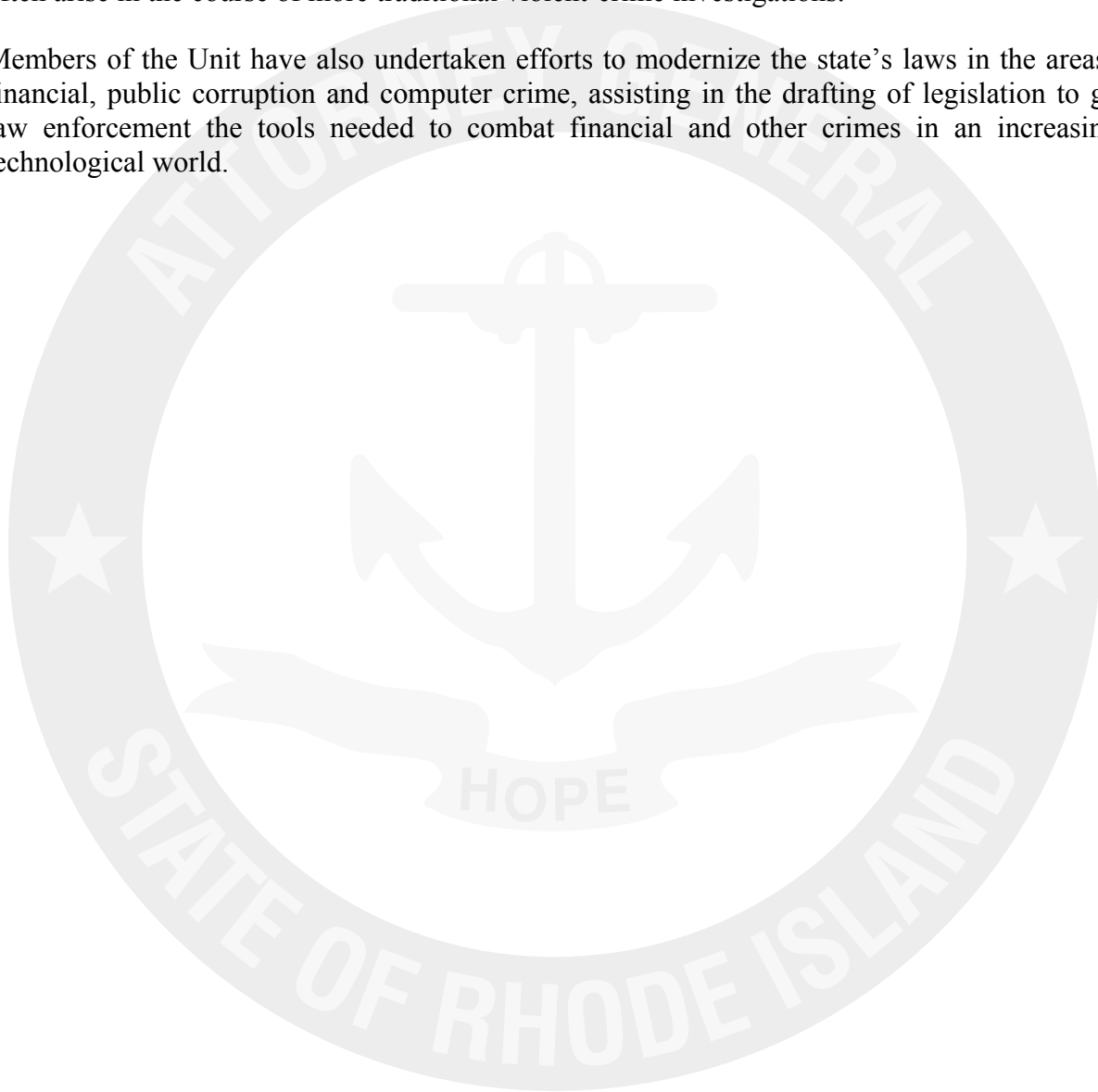
Much of the Unit's efforts in 2012 were devoted to the investigation and prosecution of traditional financial crimes such as embezzlement, obtaining money or property by false pretenses, wrongful conversion, forgery and banking violations, in addition to crimes relating to mortgage and loan fraud, which recently have become more widespread. The Unit endeavors to investigate all allegations of such activity, placing heavy emphasis on those that have a significant impact on individual victims or on the public at large. Recognizing the extreme stress and financial upheaval suffered by victims of financial crime, one of the Unit's primary goals in these prosecutions is asset location and restitution recovery for victims.

The Unit's efforts in 2012 resulted in \$9,118,760 in court-ordered restitution and, of that amount, \$213,094 was returned immediately to victims at the time of defendants' guilty pleas. The Unit also examined official misconduct by state and municipal government employees on allegations of theft, forgery, bribery and embezzlement.

The rapid proliferation of computers and "smartphones" has brought with it a wide array of computer-facilitated crimes, requiring the Unit to become deeply involved with high-tech methods of identifying and prosecuting such crime. Consequently, the Unit has increasingly

focused on crimes committed through the use of computers and the Internet, such as network intrusions, identity theft, auction fraud, phishing scams, online fencing of stolen goods, online financial crimes, indecent online child solicitation and child pornography. The Unit works closely with law enforcement agencies specializing in computer crime - like the Rhode Island State Police Computer Crimes Unit - and regularly prosecutes cases investigated by Rhode Island's Internet Crimes Against Children task force. Additionally, the Unit advises others within the Department of Attorney General and external agencies on computer-related issues that often arise in the course of more traditional violent-crime investigations.

Members of the Unit have also undertaken efforts to modernize the state's laws in the areas of financial, public corruption and computer crime, assisting in the drafting of legislation to give law enforcement the tools needed to combat financial and other crimes in an increasingly technological world.



SUPERIOR COURT CASE STATISTICS 2012

| COUNTY | FILED | | DISPOSED | | ACTIVE PENDING SC | |
|-------------------|-------|--------|----------|------|-------------------|-------|
| | MISD | FELONY | TOTAL | MISD | FELONY | TOTAL |
| KENT COUNTY | 43 | 695 | 738 | 36 | 722 | 758 |
| NEWPORT COUNTY | 25 | 339 | 364 | 26 | 315 | 341 |
| WASHINGTON COUNTY | 45 | 411 | 456 | 50 | 379 | 429 |
| PROVIDENCE COUNTY | 111 | 3343 | 3454 | 127 | 3415 | 3542 |
| STATEWIDE | 224 | 4788 | 5012 | 239 | 4831 | 5070 |

AGE AT DISPOSITION

| COUNTY | LESS THAN 90 DAYS | | | 91-180 DAYS | | | 181-270 DAYS | | | 271-360 DAYS | | | OVER 360 DAYS | |
|-------------------|-------------------|--------|-------|-------------|--------|-------|--------------|--------|-------|--------------|--------|-------|---------------|--------|
| | MISD | FELONY | TOTAL | MISD | FELONY | TOTAL | MISD | FELONY | TOTAL | MISD | FELONY | TOTAL | MISD | FELONY |
| KENT COUNTY | 23 | 362 | 385 | 6 | 146 | 152 | 3 | 79 | 82 | 0 | 51 | 51 | 4 | 84 |
| NEWPORT COUNTY | 14 | 171 | 185 | 6 | 73 | 79 | 0 | 20 | 20 | 1 | 10 | 10 | 5 | 41 |
| WASHINGTON COUNTY | 28 | 191 | 219 | 11 | 82 | 93 | 4 | 35 | 39 | 1 | 20 | 20 | 5 | 51 |
| PROVIDENCE COUNTY | 18 | 1074 | 1092 | 33 | 651 | 684 | 28 | 59 | 87 | 20 | 364 | 384 | 29 | 797 |
| STATEWIDE | 83 | 1798 | 1881 | 56 | 952 | 1008 | 35 | 193 | 228 | 22 | 445 | 467 | 43 | 973 |

MANNER OF DISPOSITIONS - FELONIES

| COUNTY | GUILTY | NOT GUILTY | NG/FILING | PLEA | DISM 48A | DISM JA | MISTRIAL | HUNG JURY | TRIALS (AG) | TRIALS (Court) |
|-------------------|--------|------------|-----------|------|----------|---------|----------|-----------|-------------|----------------|
| KENT COUNTY | 0 | 2 | 1 | 654 | 65 | 0 | 0 | 0 | 2 | 2 |
| NEWPORT COUNTY | 1 | 2 | 2 | 271 | 39 | 0 | 0 | 0 | 3 | 3 |
| WASHINGTON COUNTY | 4 | 1 | 16 | 308 | 50 | 0 | 0 | 0 | 5 | 5 |
| PROVIDENCE COUNTY | 37 | 19 | 10 | 3047 | 298 | 0 | 1 | 4 | 61 | 60 |
| STATEWIDE | 42 | 24 | 29 | 4280 | 452 | 0 | 1 | 4 | 71 | 70 |

MANNER OF DISPOSITION - MISDEMEANOR APPEALS

| COUNTY | GUILTY | NOT GUILTY | NG/FILING | PLEA | DISM 48A | DISM JA | MISTRIAL | HUNG JURY | TRIALS (AG) | TRIALS (Court) |
|-------------------|--------|------------|-----------|------|----------|---------|----------|-----------|-------------|----------------|
| KENT COUNTY | 0 | 0 | 1 | 25 | 9 | 0 | 0 | 0 | 0 | 1 |
| NEWPORT COUNTY | 1 | 1 | 0 | 14 | 10 | 0 | 0 | 0 | 2 | 2 |
| WASHINGTON COUNTY | 0 | 0 | 6 | 23 | 21 | 0 | 0 | 0 | 0 | 0 |
| PROVIDENCE COUNTY | 2 | 2 | 10 | 83 | 30 | 0 | 0 | 0 | 4 | 4 |
| STATEWIDE | 3 | 3 | 17 | 145 | 70 | 0 | 0 | 0 | 6 | 7 |

MANNER OF DISPOSITION - STATEWIDE TOTALS

| COUNTY | GUILTY | NOT GUILTY | NG/FILING | PLEA | DISM 48A | DISM JA | MISTRIAL | HUNG JURY | TRIALS (AG) | TRIALS (Court) |
|-------------------|--------|------------|-----------|------|----------|---------|----------|-----------|-------------|----------------|
| KENT COUNTY | 0 | 2 | 2 | 679 | 74 | 0 | 0 | 0 | 0 | 3 |
| NEWPORT COUNTY | 2 | 3 | 2 | 285 | 49 | 0 | 0 | 0 | 0 | 5 |
| WASHINGTON COUNTY | 4 | 1 | 22 | 331 | 71 | 0 | 0 | 0 | 0 | 5 |
| PROVIDENCE COUNTY | 39 | 21 | 20 | 3130 | 328 | 0 | 1 | 4 | 0 | 64 |
| STATEWIDE | 45 | 27 | 46 | 4425 | 522 | 0 | 1 | 4 | 77 | 77 |

These statistics were prepared by the Rhode Island Supreme Court Judicial Planning Unit on February 26, 2013. Trial Verdict Statistics were maintained manually within the Department of Attorney General, Criminal Division.

Appendix of Significant Civil and Criminal Cases and Investigations

Civil Litigation

Berman v. Sitrin

This case was brought by a man who was rendered a quadriplegic after a fall on the Cliff Walk in Newport. The plaintiff's economic damages alone exceeded \$8 million from the State and the City. Immediately before trial, the City of Newport settled with the plaintiff for \$2 million. The State proceeded to trial, offering evidence and testimony that the State was not liable for the plaintiff's damages. After a trial of five days, the jury found that the State was not negligent. Since the verdict the State has won several post trial motions and the matter remains pending and will be reviewed by the Supreme Court.

Boyer v. Jeremiah

Plaintiffs, juveniles and their parents or guardians sued Chief Judge Jeremiah of the Family Court and magistrates handling the truancy court, the family court administrator and director of juvenile services for alleged constitutional violations occurring during intake and proceedings before the truancy court. The State filed a motion to dismiss in the Superior Court which was denied. The State then requested immediate review in the Supreme Court, which was granted. The Supreme Court reversed the Superior Court and instructed that the case be dismissed.

Cassie M. v. Chafee, et al (formerly Sam and Tony M., et als v. Carcieri, et al.)

The lawsuit was originally filed in 2007 brought by the then-Child Advocate, Children's Rights Organization and a local RI attorney filed a complaint with the United States District Court of the District of Rhode Island in the name of ten children who are or were in the State's foster care system. The Honorable Ronald Lagueux granted the State's motion to dismiss in April 2009 based on the question of the adequacy of the next friends but the First Circuit Court of Appeals remanded the case back to District Court in June 2010. Upon remand Judge Lagueux recused himself, the case was assigned to the Chief Judge of the District Court, the Honorable Mary Lisi. The State renewed its motion to dismiss on grounds of abstention, mootness and the lack of a private right action. The District Court granted the motion in part, and denied it in part in July 2011. The cases of eight of the plaintiff children were dismissed based on mootness. The Court also abstained on any remedy that involved placement, length of time in care, etc. based on the Younger Abstention doctrine. The Court denied the State's motion as it pertained to training, caseload caps and array of foster homes. The plaintiffs filed a Second Amended Complaint adding five new plaintiff Children. The parties have been engaged in extensive discovery set to close in approximately May 2013. Two additional children have been dismissed based on mootness, leaving five remaining Plaintiff children. Dispositive motions are presently scheduled to be filed in October 2013.

State of Rhode Island v. Lead Industries Association et. al.

In July 2008, the Rhode Island Supreme Court vacated the judgment that Defendants had created a public nuisance by including lead in paint products. Following the Supreme Court's decision, the Defendants sought approximately \$250,000 in reimbursement that they had paid to co-examiners hired to develop an abatement plan in accordance with the jury's verdict and the Defendants also sought to recover their costs associated with the litigation, which could total in

the millions of dollars. A Superior Court trial justice determined that the State of Rhode Island was responsible for reimbursing the Defendants the approximately \$250,000 that they had paid to the co-examiners and the State appealed this decision to the Rhode Island Supreme Court. The Superior Court also concluded that the State was not liable for what was expected to be millions of dollars in the Defendants' litigation costs and the Defendants appealed this ruling to the Rhode Island Supreme Court. Both issues were argued before the Rhode Island Supreme Court in February 2013, and a decision is expected before July 2013.

Narragansett Indian Tribe v. State of Rhode Island et. al.

The Narragansett Indian Tribe sued the State of Rhode Island claiming that referenda questions that would appear on the November 2012 general election ballot were unconstitutional. The ballot questions asked voters whether they would approve the expansion of gaming at the Twin River and Newport Grand facilities to include table games, while the Narragansett Indian Tribe argued that the State would not actually "operate" the table games in contravention of Rhode Island Constitution Article VI, § 15. The State of Rhode Island argued that the referenda questions and expansion of table game proposals were constitutional, and therefore, Rhode Island citizens should be permitted to vote on these questions. Superior Court Associate Justice Melanie Thunberg agreed with the State's argument, granted the State's Motion for Summary Judgment, and the Narragansett Indian Tribe has appealed. The case is pending with the Rhode Island Supreme Court.

Consumer Protection Cases

State of Rhode Island v. Quiet Storm Professional Services, Aliosio Group, LLC, John Difruscio, Individually and Gregory Aliosio, Individually

The State served a Civil Investigative Demand, pursuant to the Rhode Island Deceptive Trade Practices Act ("DTPA"), upon the Defendants based upon allegations of a home owner that she had lost her home through a tax sale and, after being denied a loan by a local bank, was solicited by the Defendants. The complaining consumer conveyed her interest in her home to the Defendants and is now alleging that she was just trying to save her home, not sell it. The investigation is continuing and, pursuant to the DTPA, the specifics of the investigation remain confidential until litigation is commenced or a settlement is filed with the Superior Court.

State of Rhode Island v. Legal Solutions, LLC, New England Financing Group, Hasan Hussain

After serving a Civil Investigative Demand ("CID") upon the Defendants, and conducting a CID hearing, the State initiated litigation by filing suit against the Defendants in Providence County Superior Court. The State alleges that the Defendants have violated the DTPA and the Rhode Island Mortgage Foreclosure Consultant Regulation Act by soliciting and accepting up-front fees for mortgage modifications, and other real estate related activities. This matter is in the discovery stage.

State of Rhode Island v. Lender Processing Services, et al

The Attorney General was a member of this multistate group, which reached a settlement that resolves the approximately two-year investigation into the mortgage servicing activities of Lender Processing Services (LPS) and DocX. The proposed Consent Judgment provides for

comprehensive injunctive relief and a monetary payment that addresses the concerns identified in our investigation. LPS agreed to pay 45 states and the District of Columbia a total of approximately \$120,000. Each participating state's portion was calculated by multiplying the amount of revenue LPS generated from the affected documents in each state by a factor of seven (7). Using this formula, Rhode Island received approximately \$447,000.

State of Rhode Island v. Pfizer (Zyvox/Lyrica)

After a multistate investigation into Pfizer's alleged misrepresentations in its marketing of the drugs Zyvox and Lyrica, a multistate group negotiated an agreement with Pfizer resolving allegations. The \$42.9 million settlement resulted in both injunctive relief and approximately \$647,000 for the State of Rhode Island.

State of Rhode Island v. GlaxoSmithKline (Avandia)

The Attorney General was a member of this multistate group investigating GlaxoSmithKline with respect to allegations of violations of state consumer protection laws relating to the off-label promotion of the drug Avandia. After a thorough investigation the parties negotiated a settlement. Resolving allegations that GSK misrepresented the effect Avandia has on low density lipoproteins (bad cholesterol) and cardiovascular ischemic risk (heart attack risk). The State of Rhode Island received a settlement check in the amount of \$1,243,281 from GSK.

State of Rhode Island v. Thomas Tiberio and Family Enterprises, LLC,

The Defendant, Thomas Tiberio, was engaged in soliciting and accepting up-front fees for mortgage modifications, a violation of the Rhode Island Mortgage Foreclosure Consultant Regulation Act. The Attorney General served the Defendant with a Civil Investigative Demand ("CID"), pursuant to the Deceptive Trade Practices Act. After the CID hearing the Defendant agreed to settle the matter and the parties executed an Assurance of Voluntary Compliance ("AVC"). The AVC contained injunctive relief to protect the general public and a restitution schedule to reimburse the complaining consumers. However, the Defendant failed to comply with the restitution schedule and the State filed a Contempt Motion. At that hearing a new restitution schedule was agreed to by the parties and entered as an Order of the Court. Even then, the Defendant failed to comply with the restitution schedule. The Attorney General requested that the Court issue a Writ of Body Attachment. The matter has been scheduled for hearing in early 2013.

State of Rhode Island v. RMA Legal Network a/k/a R.A. Legal Group, et al.

The Attorney General filed a second amended Civil Investigative Demand ("CID") against the Defendant companies and named individuals for violations of the Deceptive Trade Practices Act and the Mortgage Foreclosure Consultant Regulation Act ("MFCRA"). The Defendants have been engaged in soliciting and accepting up-front fees for mortgage modification services. The Defendants have only partially complied with the original CID served on them. The CPU has

State of Rhode Island v. Janssen Pharmaceuticals, Inc. & Johnson & Johnson, CA (Risperdal)

Attorney General was a member of a multistate working group investigating state consumer protection claims relating to the off-label promotion of Janssen's atypical antipsychotic products Risperdal, Risperdal Consta, Risperdal M-Tab, and Invega. After a comprehensive investigation the parties negotiated a settlement of the States' claims. The settlement included both injunctive

and monetary relief. The Consent Judgment provides for injunctive relief that addresses the concerns that the States' have including the deceptive, false and misleading promotion and marketing of Risperdal for off-label uses. The State of Rhode Island received a settlement check in the approximate amount of \$2,670,000 as its share of the settlement.

State of Rhode Island v. Legal Helpers Debt Resolution, LLC and Macey, Aleman, Hyslip & Searns

After receiving complaints from Rhode Island consumers, and a number of conversations with members of the Judiciary concerning local attorneys that were "ghost writing" pleadings, the Attorney General filed suit in Superior Court. The Attorney General negotiated the terms of a settlement with local counsel for Legal Helpers. A Superior Court Judge approved and entered the Stipulation on May 17, 2012, executed by the parties, as an Order of the Court. The Attorney General negotiated the terms and conditions of this settlement of the State's Motion for a TRO and Preliminary Injunction whereby Defendants are prohibited from holding themselves out as attorneys in Rhode Island and from continuing to solicit new business in Rhode Island. The Defendants are also required to provide the Attorney General's Consumer Protection Unit with documentation regarding its current customers in this State. Legal Helpers has provided the names, addresses and phone numbers for their Rhode Island customers, pursuant to the Stipulation.

State of Rhode Island v. Skechers USA, Inc.

This multistate investigation resulted in a settlement of consumer claims with respect to Skechers, a sneaker manufacturer that allegedly was making unsubstantiated claims about the health benefits of its running shoes. As part of the settlement, harmed consumers will receive \$20 for each pair of shoes covered in the settlement. In addition to consumer relief and the injunctive provisions of the settlement, the State of Rhode Island received \$73,058, representing Rhode Island's share of the settlement proceeds in this matter.

State of Rhode Island v. Abbott Laboratories (Depakote)

The State of Rhode Island received approximately \$1.14 million of the \$100,000,000 settlement, the largest consumer protection drug settlement to date. This multistate group, including the Rhode Island Attorney General, was organized in October of 2011 when the States became aware of several qui tam law suits and a federal investigation relating to the off-label promotion of the drug, Depakote. While Depakote is only approved by the FDA for the treatment of seizure disorders, mania associated with bipolar disorder, and prophylaxis of migraines, the States alleged unlawful promotion and marketing of Depakote to treat a variety of non-FDA approved conditions including schizophrenia, agitated dementia, and autism.

State of Rhode Island v. of NCO Financial, Inc.

The State's Motion to Approve the Assurance of Voluntary Compliance, Addendum and Stipulation was granted by a Superior Court Judge on May 1, 2012. The Attorney General joined this multistate settlement against this debt collection company in order to resolve allegations of violations of States' consumer protection laws. The settlement provided that the State of Rhode Island shall receive \$26,562 and an additional \$50,000 will be available for consumer restitution.

State of Rhode Island v. Accessorize Your Space, LLC

The Defendant, a retail vendor of residential furniture, appeared at the Office of Attorney General, pursuant to a Civil Investigative Demand, and executed an Assurance of Voluntary Compliance in order to resolve a number of consumer complaints. This settlement resolves approximately \$18,000 of outstanding consumer claims for failure to deliver residential furniture that had been paid for by the consumers.

State of Rhode Island v. Richard Harris d/b/a Dave's TV, et al.

Defendant Richard Harris was in the business of repairing televisions. This office received numerous consumer complaints alleging that he accepted money and did not provide services. The Attorney General brought suit when negotiations failed to resolve the complaints. The State presented six complaining witnesses at a preliminary injunction hearing and provided the Superior Court with affidavits from those witnesses who were unable to testify. The Defendant ultimately agreed to make restitution and a Stipulation was entered with the Court. The Attorney General is pursuing collection of the restitution and, pursuant to the Superior Court's Order, Harris is no longer allowed to hold himself out to the public as a television repair person.

State of Rhode Island v. SD Forensic Auditors, LLC and Samuel Hernandez

A Superior Court Judge granted the State's Motion to Approve the terms and conditions of the Assurance of Voluntary Compliance entered into between the State and the Defendants, who were holding themselves out to the public as mortgage modification "specialists". Defendants were soliciting and accepting up-front fees from consumers for mortgage modification services, a clear violation of the Mortgage Foreclosure Consultant regulation Act and the DTPA. The AVC included injunctive relief and monetary relief in the amount of \$7,700 for three consumers who had filed written complaints with the Attorney General's Consumer Protection Unit.

Environmental Advocacy Cases

Kilmartin v. Barbuto

AG Kilmartin has filed suit in Superior Court seeking to enforce the public's rights to enjoy a nearly two-mile section of the Misquamicut beach-front. The suit seeks to enjoin specific beach-front lot-owners from interfering with the public's right to use this dry sand area, alleging that this strand was dedicated by a recorded 1909 subdivision plan.

CRMC v. Koolen.

In a suit by the Attorney General and CRMC, a Superior Court judge ordered an illegal marina in Warren removed at the violator's expense. This money was, in fact, collected by AG Kilmartin and forwarded to the Town.

Coalition for Responsible Reg. v. EPA, 684 F.3d 102 (D.C. Cir. 2012), *cert. pet. pending sub nom. Utility Air Reg. Group v. EPA* (U.S. No. 12-1146).

In a case in a federal appeals court, AG Kilmartin successfully joined other states to uphold EPA's ability to regulate greenhouse gases and, further, to uphold a series of EPA regulations limiting such emissions. As we enter the new year, the Attorney General is preparing to defend that victory on appeal to the United States Supreme Court.

NY v. EPA, No. 12 cv 1064 (SDNY), *related case*, American Farm Bur. v. EPA, No. 06-1410 (DC Cir.).

AG Kilmartin achieved, along with other states, a major settlement of two closely-connected cases resulting in national anti-soot regulations. The first was a citizen's suit filed by the states; the second was a petition for a writ of mandamus, also filed by the states. The upshot was that a Consent Decree was obtained that forced EPA to issue tougher anti-soot regulations, which were, in fact, promulgated in the fall of 2012. The regulations are known as the PM 2.5 regulations, referring to particulate matter of 2.5 microns in diameter or less. Particulate matter is one of the worst air pollutants because of its ability to penetrate one's lungs and cause asthma, emphysema, and other respiratory diseases and, therefore, significant numbers of premature deaths. Most of this pollution is generated outside of the Rhode Island. We are a down-wind state.

EME Homer City v. EPA, 696 F.3d 7(D.C. Cir., Aug. 21, 2012), *reh'g en banc denied* 2013 WL 656247(Jan. 24, 2013) *cert. pet. pending sub nom. EPA v. Homer City* (U.S. 13-___).

Having been unsuccessful in defending EPA Cross-State Air Pollution Regulations – the DC Circuit struck down rules beneficial to Rhode Island – AG Kilmartin and like-minded Attorneys-General are pursuing the matter to the US Supreme Court.

Upper Blackstone Water Pollution Abatement Dist. v. EPA, 690 F.3d 9 (1st Cir. 2012), *cert. pet. pending*, 81 USLW 3394 (U.S. 12-797 Dec 21, 2012).

Although not a formal party, AG Kilmartin has been vigorous in supporting the EPA in the defense of this case.

Criminal Division

During 2012, the Criminal Division brought 77 cases to trial, securing 72 verdicts and convicting 62% of the defendants who opted to have their cases tried before a judge or jury. Of those cases tried, 45 defendants were found guilty of their offenses and 27 were found not guilty. Five cases resulted in a mistrial.

State v. Victor Arciliares

Victor Arciliares was found guilty by a jury in a trial held before Judge Robert Krause for second-degree murder and using a firearm while committing a crime of violence.

Arciliares shot his 18-year old girlfriend, Dayvelliz Cotto, in the apartment they shared in Providence with their infant child. After verbally fighting with Cotto earlier that day, Arciliares pointed a loaded gun at her and pulled the trigger. As she turned, the bullet struck Cotto in the arm, the bullet travelled through her body, piercing her heart. Once she collapsed, Arciliares moved the body outside and had a friend dispose of the gun before police arrived. Arciliares later claimed the gun accidentally went off. Judge Krause sentenced Arciliares to life and an additional 45 years in prison for killing his girlfriend. A second case charging Arciliares with murder and firearms offenses remains pending and will be tried in 2013.

State v. Joseph Armour

Joseph Armour was found guilty of second degree child molestation and received a full sentence of 30 years with second and a half years to serve and 23 years suspended with probation. He also needs to comply with the mandatory sex offender registration and counseling laws.

State v. Robert Austin

Robert Austin was found guilty of second degree sexual assault and received a full sentence of 15 years with 10 years to serve and five suspended with probation. He also needs to comply with the mandatory sex offender registration and counseling laws.

State v. Jaylon Baker

Baker was tried before Judge Krause and was found guilty by a jury of Assault with a Dangerous Weapon on police officer, Carrying Pistol without a License and Using a Firearm While Committing a Crime of Violence. Superior Court Judge Robert Krause sentenced 19-year-old Baker to serve 20 years in the Adult Correctional Institution for an incident in which Baker and a co-defendant were trying to flee from a Providence Detective. The officer had drawn his firearm and ordered both subjects to drop their firearms. The subjects ran in separate directions and the officer pursued Baker who twice pointed a loaded gun at the officer. The officer fired four shots at the defendant, hitting him once in the arm before he was able to apprehend him.

State v. Elizabeth Baldwin

Elizabeth Baldwin pled nolo contendere to 92 counts of obtaining money under false pretenses, computer fraud, embezzlement, misappropriation of funds, and bad checks in a Ponzi scheme in which Baldwin stole \$7.9 million from 49 victims.

Baldwin was sentenced to 30 years, with eight to serve and the remainder suspended with probation. Baldwin had been ordered to pay \$7.9 million in restitution to the victims and was remanded to the ACI immediately upon entering her plea.

Baldwin fraudulently solicited and obtained millions of dollars from investors who believed they would be participating in a highly successful futures commodity trading pool run by Baldwin.

State v. Michael Brooks

Michael Brooks pled nolo contendere, while trial was underway before Superior Court Justice Melanie W. Thunberg, to four counts of first degree robbery for the robberies of four elderly women in various shopping plaza parking lots in Narragansett, East Greenwich and North Kingstown. Brooks was sentenced to 35 years, with 20 to serve and the remainder suspended with probation.

East Greenwich Police spotted the vehicle with a man who fit the description of the robber, Michael Brooks. Police took Brooks into custody, at which time three of the victims identified Brooks from a photo array and one identified him through in-person identification.

State v. Antonio Caprio

Antonio Caprio pled nolo contendere before Magistrate John McBurney to DUI resulting in the death of Mariely Veras, driving to endanger death resulting, DUI serious bodily injury, and two counts of reckless driving with physical injury. Caprio was sentenced to 15 years with eight to serve and the remainder suspended with probation. Of the eight years, four will be spent at the ACI and four on home confinement. In addition, Caprio will lose his license for three years upon release from home confinement.

Caprio and three friends, all under the legal drinking age of 21, drove to Scarborough Beach in Narragansett, where witnesses observed Caprio drinking alcohol. On the way back to Providence, Caprio was travelling in excess of 100 mph on Route 95. Caprio bumped into a vehicle, lost control, and rolled his vehicle multiple times. Caprio and Veras, who were not wearing seatbelts, were thrown from the vehicle. Veras died as a result of her injuries. The other passengers suffered serious injuries, and the occupants of the other vehicle suffered minor injuries. State Police determined Caprio's BAC was above the legal limit of .08.

State v. John Carraturo

14 years after the assault, John Carraturo was brought back to Rhode Island from Florida and pled nolo contendere to domestic felony assault. He received a 10 year full sentence with three years to serve with seven years suspended with probation.

State v. Ronald Correia

Ronald Correia pleaded nolo contendere to domestic felony assault and received a 20 year full sentence with nine years to serve and 11 years suspended with probation.

State v. Timothy Debritto

Timothy Debritto was found guilty by a jury of one count of ADW, one count of discharge of a firearm resulting in injury, and one count of possession of a firearm without a license. The case

was tried before Justice Robert Krause. Defendant shot Gary Ellerbe after Ellerbe approached the defendant to ask him to talk, in order to settle a pending dispute. Debritto was later sentenced by Judge Krause to a total of fifty years; 20 years for assault with a dangerous weapon, 20 years for using a firearm while committing a crime of violence, plus 10 years for carrying a pistol without a license; all to be served consecutively.

State v. Michael Ducharme

Michael Ducharme pled guilty to the 2007 murder of 33-year-old Vicki Connolly of Woonsocket, and was sentenced by Judge Netti C. Vogel to 60 years, with 40 years to serve and the remainder suspended with probation. Ducharme brutally murdered Vicki Connolly in September of 2007. Two months after Connolly was reported missing, hunters found her badly decomposed body in the Black Hut Management Area in Burrillville. She had been stabbed in the head and torso repeatedly and a synthetic cord was found wrapped around her neck.

Police had no leads until Ducharme, who was serving a sentence for larceny and possession of a stolen motor vehicle, intimated to police that he had information about the murder, in hopes of being released from prison in exchange for the information. Throughout several interviews with Burrillville Police Detective Sergeant Guy Riendeau, Ducharme shared details of the crime scene that only the perpetrator would know. After ruling out multiple fake leads and suspects presented by Ducharme, police determined that Ducharme had committed the murder.

State v. Muhammad Farooq

Muhammad Farooq was sentenced to 18 years to serve for a 2008 sexual assault and assault with a dangerous weapon after Superior Court Justice Williams Carnes found him guilty after a three day jury-waived trial. Justice Carnes sentenced Farooq to 30 years, with 18 to serve and the remainder suspended with probation, on the count of first degree sexual assault; 10 years, one to serve, on the assault with a dangerous weapon; and 15 years, five to serve, on the count of second degree sexual assault, with sentences to run concurrent.

Muhammad Farooq sexually assaulted a woman in the backroom of the Sunrise Market in the Mt. Pleasant section of Providence. The victim, a frequent customer of the Sunrise Market and familiar with the defendant, agreed to join the defendant in the backroom for a cigarette before leaving the store. Once in the backroom, Farooq made sexual advances towards her. When he was rebuffed, he threatened the victim with a knife, forced her down on a makeshift bed and sexually assaulted her. The victim was able to fight off the defendant and grab the knife, which she used to force him to allow her to leave the building.

State v. Rafael Ferrer

Rafael Ferrer was found guilty by a jury after a four-day trial presided over by Superior Court Justice Robert D. Krause. The jury convicted Ferrer of two counts; possession of a pistol without a license and possession of a firearm after previous conviction for a crime of violence.

Ferrer has a lengthy criminal history including multiple drug and weapon convictions, which qualified him as a habitual offender. Ferrer was sentenced to a total of 30 years. Justice Krause sentenced Ferrer to 10 years to serve on each count and 20 years, eight years to serve with the remainder suspended with probation, to run consecutive as a habitual offender.

State v. Armand Ferrio

Armand Ferrio pled guilty to two counts of first degrees sexual assault and one count of first degree robbery and was sentenced by Judge Vogel to 40 years, 24 years to serve with the balance suspended with probation. Ferrio was ordered to attend sex offender counseling and sex offender registration upon his release from the ACI.

In December of 2004, Ferrio was walking in the vicinity of High Street where he approached a 44-year old woman as she walked down the street. He forcibly attacked and raped the woman on the side of the road. She was treated at Landmark Medical Center where a rape kit was performed and DNA samples taken. Results showed an unknown single male donor DNA profile along with the DNA profile of the victim. The unknown male profile donor was entered into the CODIS database in 2004.

In November of 2009, Ferrio broke into a home in Woonsocket, where he forcibly raped a 49-year old woman who was sleeping on the floor. The victim described her assailant to the police as a white male with short hair and a tattoo on his forearm. She too was treated at Landmark Medical Center where a rape kit was performed and DNA samples taken. Results showed an unknown single male donor DNA profile along with the DNA profile of the victim. The unknown male profile donor was entered into the CODIS database where it matched the DNA from the 2004 sexual assault.

Both cases remained unsolved until June 2011 when Woonsocket Police received a report from the Rhode Island Department of Health indicating that the unknown single male donor profile from the two sexual assaults matched that of Armand Ferrio, whose DNA was taken and entered into the database after pleading guilty to and being sentenced for an unrelated felony.

State v. Armando Garcia

Armando Garcia was found guilty of the murder of Brooke Lee Verdoia by a Providence County Superior Court jury after a nine-day trial presided over by Superior Court Justice Susan E. McGuirl.

Armando Garcia brutally attacked and murdered 30-year-old Brooke Lee Verdoia in her home, while her young child slept. Garcia and Verdoia were involved in a romantic relationship at the time of the murder. Verdoia died from eight separate blunt force trauma injuries and seven stab wounds. After killing her in the living room, Garcia moved her lifeless body to her bedroom, where he staged a robbery and rape. Verdoia's daughter remained in the home with her deceased mother for approximately fourteen hours before the crime was discovered by Brooke's mother. The defendant was also convicted of failure to report a death and possession of a stolen motor vehicle.

State v. Erwin Grantley

Erwin (Earl) Grantley was found guilty by a jury of domestic assault with a dangerous weapon in a dwelling with intent to murder and domestic breaking and entering after a six day trial presided over by Superior Court Associate Justice Susan E. McGuirl.

Grantley broke into the home of his former girlfriend and confronted her regarding her whereabouts earlier in the evening. Grantley punched the victim in the face, pushed her to the floor and began to strangle her until she lost consciousness. Grantley then stabbed the victim in the chest. The victim woke up to Grantley wrapping a cell phone charging cord around her neck. She was able to free herself from the cord. Grantley then left the premises and the victim made her way upstairs where her sons were sleeping. One of her sons called 911 while the other observed Grantley leaving the scene in his mother's SUV. Grantley had been released from the Adult Correctional Institute to home confinement parole just eight days prior to the assault.

State v. Raymond Hoyas

Raymond "Chip" Hoyas pled nolo contendere to 52 counts of forgery, one count of larceny over \$500 and one count of obtaining money under false pretenses over \$500 before Superior Court Justice Kristin E. Rodgers. Judge Rodgers later sentenced the defendant to home confinement over the state's objection.

Hoyas, once a highly respected Statehouse staffer, committed his crimes during his employment with the Rhode Island Senate. Hoyas caused checks to be issued in the name of Statehouse interns. He later cashed them, forging signatures, and utilized the proceeds to feed his gambling addiction. As part of the disposition, as permitted by state statute, Justice Rodgers revoked Hoyas' state pension.

State v. Richard Ibanez

Richard "Chinoz" Ibanez, who is a known member of the MS-13 gang, pled guilty to two counts of first degree arson and two counts of conspiracy to commit first degree arson and was sentenced by Judge Robert D. Krause to a total of 20 years, with eight to serve and the remainder suspended with probation.

On two occasions, Ibanez and fellow MS-13 gang members set fire to the residence of a member of rival Tiny Rascal Gang, or TRG. Ibanez was indicted as a result of a nearly two year investigation by the Rhode Island Safe Streets Task Force, a joint Providence Police and FBI taskforce, into the illegal activity of known MS-13 gang members and associates.

State v. Edward M. Krawetz

Edward M. Krawetz, a former Lincoln patrolman, was tried before Superior Court Judge Edward Clifton in a jury waived trial and was convicted of battery for kicking a handcuffed woman in the head outside the Twin River slot parlor. Judge Clifton later imposed a 10-year suspended sentence with probation and ordered the defendant to undergo anger management and mental health counseling; a no contact order was issued and Krawetz was ordered to pay \$1000 to the victim crime indemnity fund. The patrolman later resigned from the Lincoln Police Department. Krawetz has filed a notice of intent to appeal to the Rhode Island Supreme Court.

State v. Adam Lake

Adam Lake was sentenced to 40 years, with 25 to serve with the remainder suspended with probation, for the molestation of his 11-year old stepdaughter. Lake was found guilty by a jury on two counts of first degree child molestation in a trial presided over by Superior Court Associate Justice Judith Savage. Upon release, pursuant to the Jessica Lundsford Act, Lake will

be supervised by probation for the remainder of his life and be subject to GPS monitoring for life.

State v. Robert Lamoureux

Robert Lamoureux pled guilty to murdering 83-year-old Pauline Bucu, and was sentenced to life without the possibility of parole. Lamoureux gained entrance to the victim's home and strangled her with a clothes line while she slept in her bed. Ms. Bucu awoke and struggled with Lamoureux as he inflicted multiple, traumatic injuries by blunt force. Ms. Bucu suffered bruising to the forehead, both wrists and hands, as well as a fractured rib, nose and vertebrae in her neck. The cause of death was determined to be manual strangulation and blunt force trauma.

Ms. Bucu's body was discovered the following day by family members. Pawtucket Police suspected Lamoureux, an associate and former employee of the decedent's son, John Bucu. The circumstances and nature of Ms. Bucu's murder were similar to the 1982 murder of a young woman for which Lamoureux was convicted and served 25 years in prison before being released in October 2000.

During an interview with the Pawtucket Police, Lamoureux waived his Miranda rights and provided a DNA sample and statement. The DNA proved to be a positive match to the DNA recovered at the scene. Lamoureux confessed to the murder with his account of the killing consistent with the facts and evidence found at the scene.

State v. Daniel Martinez

Daniel Martinez was found guilty by a jury of one count of first degree sexual assault where the victim was physically helpless after a seven-day trial presided over by Superior Court Justice Kristin E. Rodgers.

Martinez, who was a junior at Woonsocket High School, sexually assaulted an intoxicated and physically helpless Woonsocket high school senior. Upon arrest and questioning by the Woonsocket Police, the defendant who was 17 at the time of the incident, admitted to the sexual act but offered a defense of consent. He was waived out of Family Court and tried as an adult in Superior Court.

State v. Elizabeth Mendez

Elizabeth Mendez was found guilty of possession of a controlled substance in excess of 5 kilos of marijuana after an eight day trial. Mendez was later sentenced by Judge William Carnes who presided over the trial to 20 years, 5 years to serve, 15 years suspended with probation.

Mendez, along with two co-conspirators, was in possession of 33 kilos, approximately 70 pounds, of marijuana, with an estimated street value between \$125,000 and \$150,000.

Rhode Island State Police received information regarding an armed car-jacking from the Providence Police which had occurred in their city. It was reported two dark skinned males had forcibly taken a Kia minivan from a female. Police found the minivan, unoccupied, in parking lot in North Providence. While at the scene, officers noticed a Nissan Maxima with two males that fit the description of the carjackers as passengers. Officers followed the Maxima, and after

witnessing several moving violations, stopped the vehicle. Upon approaching the vehicle, officers smelled the strong odor of marijuana. The driver, Elizabeth Mendez, and the passengers were removed from the vehicle and cuffed while officers conducted a search. Upon opening the trunk, Officers discovered a large quantity of marijuana, later determined to be approximately 33 kilograms.

State v. Ramiro Morales

Ramiro Morales pled guilty to multiple counts of first degree child molestation and was sentenced by Judge Clifton to 55 years, with 30 to serve. The remainder of the sentence was suspended with probation. Morales is subject to community supervision upon completion of his sentence, which includes electronic GPS monitoring for life.

Morales molested a minor relative who later disclosed the molestation to a parent, who then contacted police. Through the course of the police investigation, it was discovered that Morales was molesting two other minors under 14 years of age with whom he resided. He was arrested on the new molestation charges and held without bail.

State v. Jason Nickerson

Jason Nickerson was found guilty by a jury of four counts of sexual assault and one count of assault with a dangerous weapon for the rape of a 16 year old girl. After having been convicted of the crimes, Justice Judith Savage sentenced the defendant to fifty years in prison.

Nickerson forcibly raped the girl in 2007 after she accepted a ride from him. Once inside the vehicle, Nickerson drove the girl to a parking lot and sexually assaulted her multiple times before finally allowing her to leave. The victim, who was badly beaten, was picked up by a good Samaritan who called for help. She was later treated at Hasbro Children's Hospital, where a rape kit was performed and DNA samples taken. Results showed an unknown single male donor DNA profile along with the DNA profile of the victim. The unknown male profile donor was entered into the CODIS database in 2007.

The investigation remained unsolved until January 2011 when Providence Police received a report from the Rhode Island Department of Health indicating that the unknown single male donor profile matched that of Jason Nickerson, whose DNA was taken and entered into the database after he pled guilty and was sentenced for an unrelated felony. With the new information, Providence Police contacted the victim and showed her a photographic array that contained the suspect. The victim positively identified Nickerson as her attacker.

State v. James Oliveira

Special Assistant Attorneys General Shannon Signore and Ania Hopkins were tasked with the retrial of James Oliveira, whose 2006 conviction for child molestation was overturned by the Rhode Island Supreme Court in 2008. Justice Daniel A. Procaccini presided over the retrial. The facts presented to the jury were that Oliveira engaged in sexual penetration with a six year old child with whom he had a close relationship. The victim, a fragile teen was required to testify again, and the jury swiftly convicted the defendant. .

State v. Victor Onishi

Victor Onishi pled nolo contendere to an amended count of second degree murder for the strangling death of his girlfriend, Lisbeth Catalan. Superior Court Associate Justice Susan E. McGuirl sentenced Onishi to life in prison for the murder.

Onishi strangled his on-again, off-again girlfriend, Lisbeth Catalan, during an argument at her house on Chalkstone Avenue in Providence. Just one week after Catalan's 22nd birthday, she and a group of friends had gone to a nightclub in Johnston where she was joined by Onishi. Onishi became enraged when other men were paying attention to Catalan and on the car ride home he confronted her, continuing the argument when they arrived at home. Onishi admitted that after arriving at the home, Catalan ended their relationship and it was at that point that he grabbed her neck and strangled her. Afterward, he cleaned up, locked the door of her bedroom and left, leaving Catalan's family to discover her body.

State v. Marco Ortiz

Marco Ortiz pleaded nolo contendere to first degree child molestation and received a full sentence of 40 years with 20 years to serve and 20 years suspended with probation. He also needs to comply with the mandatory sex offender registration and counseling laws.

State v. William Reis

William Reis pleaded nolo contendere to domestic breaking and entering and received a sentence of 10 years with five years to serve and five years suspended with probation.

State v. Crystal Rogers

Crystal Rogers pleaded guilty to multiple counts of third degree sexual assault and received a full sentence of five years with one year to serve and four years suspended with probation. She also needs to comply with the mandatory sex offender registration and counseling laws.

State v. Curtis Rogers

Defendant pleaded guilty to multiple charges including first degree child molestation and first degree sexual assault. He received a full sentence of 50 years with 25 years to serve and 25 years suspended with probation. He also needs to comply with the mandatory sex offender registration and counseling laws.

State v. Kevin Storey

Kevin Storey was found guilty of domestic felony assault and sentenced to a 10 year sentence with five years to serve and five years suspended sentence with probation.

State v. Roger Watkins

Roger Watkins was tried before Superior Court Justice Daniel Procaccini and convicted by a jury of seven counts of first-degree sexual assault and four counts of second-degree sexual assault. The 17 year-old victim, who had known Watkins all of her life, is the daughter of the defendant's former girlfriend. Watkins had resided with the victim's family and was the father figure in her life for several years. He would set down punishments which would include sexual acts and allow the victim to participate in school activities only if she performed sexual acts. The victim

disclosed to an officer and her school psychologist that the defendant had been sexually abusing her for several years.

Judge Procaccini sentenced Watkins to 50 years, 25 years to serve on the first degree sexual assault counts and 15 years to serve concurrent on the four counts of second-degree sexual assaults. The Judge issued a no contact order with the victim and ordered sex offender registration and counseling.

State v. John J. Whiting

John J. Whiting, the former North Providence police chief, was found guilty by Judge Daniel Procaccini in a jury waived trial of stealing \$714 following a car chase during Tropical Storm Irene when he was pursuing the vehicle after someone inside had made a negative gesture to him. The theft occurred after Whiting chased the car into Pawtucket, the car crashed into another vehicle, and the occupants fled leaving behind a pocketbook containing the money. Shortly after the incident, Whiting encountered Pawtucket Police and attempted to persuade one of the officers to take the stolen money.

The judge also found Whiting guilty of soliciting another to receive stolen goods. The defendant was later sentenced to concurrent terms of 5 years with 6 months to serve at the Adult Correctional Institution and the balance of 4 years, 6 months suspended with probation. Whiting was ordered to attend anger management counseling. Whiting has filed an appeal.

State v. Lemar Wilburn

Lemar Wilburn pled guilty to the murder of Princeton Miller before Superior Court Justice Kristin E. Rodgers on the day trial was scheduled to begin and was sentenced to 60 years, with 35 to serve and the remainder suspended with probation.

Miller was visiting a friend on Mawney Street in Providence and on the same evening, Wilburn was attending a BBQ at a friend's house, also on Mawney Street. Four young men, including the defendant, walked by the house where a dog owned by Miller's friend began to bark. After a brief verbal altercation between Miller and the four men, Miller retreated to the porch of the house. The four men entered the yard where Wilburn attacked and fatally stabbed Miller, inflicting stab wounds to his neck, chest, back and leg.

All three men who were with the defendant at the time of the murder later identified Wilburn as the one who stabbed Miller. After Miller was apprehended by the Attleboro Police and later questioned by the Providence Police, he admitted to being at the scene and stabbing the victim.

Appellate Division

State v. Bunnell and State v. Delestre

The Rhode Island Supreme Court affirmed Katherine Bunnell's and Gilbert Delestre's conviction for the second-degree murder of three-year-old Thomas J. Wright on October 31, 2004.

State v. Carpio

The Rhode Island Supreme Court affirmed the first degree murder conviction of Esteban Carpio for the April 16, 2005, station house murder of Providence Police Detective James Allen.

State v. Ciresi

The Court affirmed a former Pawtucket Police officer's convictions of having committed numerous offenses while a Pawtucket Police officer.

State v. Cook

The Court affirmed James Cook's convictions of having committed a number of egregious acts of first degree sexual assault upon young people.

State v. McWilliams

The Court affirmed defendant's first-degree robbery and assault-with-a-dangerous weapon conviction in connection with the defendant's July 4, 2008, invasion into the home of a North Kingstown woman and her baby.

State v. Richardson

The Rhode Island Supreme Court affirmed James Richardson's life-without-parole murder of Margaret Duffy-Stephenson, in her home, on November 16, 2005.

State v. Robat

The Rhode Island Supreme Court affirmed Ms. Robat's conviction for the killing of her just-born infant.

State v. Viveiros

The Rhode Island Supreme Court affirmed an adult correctional institution correctional officer's conviction of having committed assaults upon prison inmates.

Price v. Wall

The Court turned away Craig Price's challenge to his 1994 family court contempt adjudication.

Money Saved or Generated for Rhode Island Taxpayers
Through Efforts of the Office of Attorney General

| <u>ACTION</u> | <u>\$\$ SAVED/GENERATED</u> |
|---|------------------------------------|
| National Mortgage Settlement Funds Impacting Rhode Island Homeowners Facing Foreclosure | \$172,000,000 |
| Google settlement | \$60,000,000 |
| Obtained RI's payments from MSA with tobacco industry | \$46,710,284 |
| Medicaid program settlement agreements with major pharmaceutical companies (returned to the state's Medicaid budget) | \$9,878,555 |
| Advocated for RI utility consumers at PUC rate cases in the areas of gas, municipal water and sewer | \$7,689,568 |
| Savings from workers comp and Blue Cross Blue Shield insurance rate increases as compared to approved rates | \$8,408,000 |
| Court ordered restitution for victims of contractor fraud | \$439,000 |
| Prosecuted cases and secured court-ordered restitution for victims of white collar crimes | \$9,118,760 |
| Court ordered restitution through the Diversion Unit and total value of hours volunteered by individuals participating in the program | \$122,711 |
| Secured restitution and settlements by enforcing federal antitrust and deceptive trade laws | \$5,432,474 |
| Secured restricted receipt funds to offset budgeted expenses | \$837,372 |
| Secured federal funding to offset budgeted expenditure | \$1,475,840 |
| Value of property recovered through the Precious Metals division | \$4,300 |
| Collected annual Insurance Assessment | \$426,428 |
| Resolved individual consumer complaints, resulting in monies returned to consumers | \$854,423 |
| Miscellaneous BCI collections | \$417,904 |
| Cash and property forfeited to fund narcotics investigations and drug abuse prevention programs | \$1,925,355 |

| | |
|---|-----------------------------|
| <i>Total Returned, Saved, or Generated</i> | <i>\$325,740,974</i> |
|---|-----------------------------|



**OFFICE OF ATTORNEY GENERAL
150 SOUTH MAIN STREET
PROVIDENCE, RI 02903
TEL: 401-274-4400
WWW.RIAG.RI.GOV**

**KENT COUNTY COURTHOUSE
222 QUAKER LANE
WARWICK, RI 02886
TEL: 401-822-2710**

**PROVIDENCE COUNTY COURTHOUSE
250 BENEFIT STREET, 2ND FLOOR
PROVIDENCE, RI 02903
TEL: 401-274-4400**

**NEWPORT COUNTY COURTHOUSE
45 WASHINGTON SQUARE
NEWPORT, RI 02840
TEL: 401-841-8310**

**WASHINGTON COUNTY COURTHOUSE
4800 TOWER HILL ROAD
WAKEFIELD, RI 02879
TEL: 401-782-4150**